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*I. Brouncker's*  
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*THE*  
**IMPORTANCE**  
**OF THE**  
**CAPE OF GOOD HOPE,**  
**AS A**  
**COLONY TO GREAT BRITAIN,**  
**INDEPENDENTLY OF THE ADVANTAGES IT POSSESSES AS**  
**A Military and Naval Station,**  
**AND**  
**THE KEY**

*To our Territorial Possessions in India.*

A general View is proposed to be taken of the Colony, not only as to its present circumstances, but its future probable importance; in which new sources of Treasure and Revenue, and new fields for exertion are opened. Hints for the discovery of new Markets for British Manufactures suggested, and a wider scope offered to the spirit and enterprize of thousands, who by the sudden and unexpected return of Peace, will want employment.

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By RICHARD BARNARD FISHER, Esq.

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THE THIRD EDITION, WITH ADDITIONS.

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1816.

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TO  
LIEUTENANT-GENERAL  
SIR JOHN FRANCIS CRADOCK,

*Knight of the most honourable Orders of the Bath and Crescent, Colonel of His Majesty's 43d Regiment of Foot, late Governor and Commander-in-Chief of his Majesty's Castle, Town, and Settlement of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice-Admiral of the same, Commander of the Forces, &c. &c. &c.*

SIR,

THE following sheets were introduced into the world in a first and second edition, without protection, countenance, or support, because I could hardly persuade myself, notwithstanding the importance of the subject, I had sufficient ability to treat it in a manner that could deserve your attention. I should otherwise have sought for, and been extremely proud of the sanction of your name, as a generous patron. At this late period, however, being permitted to lay before you the result of my observations,

is extremely gratifying, because your name will not only be to me a tower of strength, but a passport for credit with the world. It is also more particularly gratifying, in as much as it affords the happiest opportunity of publickly acknowledging the many obligations I am under to you, for the repeated acts of kindness and generosity I received at your hands, during your government at the Cape.

Unaccustomed, however, as I have been to the language of flattery, I can only address you in that of truth, which calls on me to say, that my sentiments are only in unison with those of every British officer, and settler in the Cape. *Seruſ in domum redcas, diuque laetus intersis*, was their daily song during your residence there, and deeply was your departure felt and lamented.

Ungrateful, indeed, must they have been, could other sentiments have pervaded their breasts. But it was not to the British officer,

or the European settler, that your kindness was known ; the benevolence of your heart was extended to the poor Hottentot and the wretched African. To the very extent of your power, was their unhappy condition meliorated and made tolerable.

Fortunate, and truly so, would it have been for that country, if your residence in it could have been long protracted, and that a full and uncontrolled scope might have been allowed you, for carrying into effect the wholesome and salutary measures your prudence and benevolence had inspired.

I hope to be allowed to say, because it must on all hands be acknowledged, that your services, while Governor of the Cape, were of no ordinary merit. You endeavoured to open new channels for trade, new vents for manufacture. You made some progress in the great work of cleansing the Augean stable of the law, by throwing open the doors of the courts. You, to the ut-

most, endeavoured to abolish torture and secret confession. In short, you sought to make the erection of the British standard, a signal for the annihilation of oppression, and the approach of genuine liberty. But I hope and trust you have done still more, that you have been the means of convincing his Majesty's Government, that it is possible the interest of the colony of the Cape, and the metropolis of Great Britain, may be identified, and that they are co-existent.

With every sentiment, therefore, of gratitude and respect, of esteem and veneration, I have the honour to be now, and to the latest period of my life,

Your highly indebted, obliged,

And truly grateful and faithful servant,

R. B. FISHER.

## PREFACE.

---

THE following Pages, in the first and second edition, with the exception of the addenda, were sent to press in the size and shape of a Pamphlet, under an idea that appears to have been a mistaken one, namely, that they would be more read than if introduced to the public in a larger size; and because it was the wish of the author to have the subject matter as early taken notice of as possible, in order that the general opinion might be formed upon it. It was not his design to attempt either a history or description of the Colony of the Cape, his sole object was, to prove to this country what he thought he really knew and felt, which was the importance of the Cape in a Colonial point of view. A description of Manners and Characters is more generally interesting, and may be more useful; indeed, very few people as yet know much of the interior of the Country, and Mr. Barrow's is the only book that affords real information, with amusement, on the subject. That gentleman enumerates the writers on the subject of the Cape, but from all of them very little indeed is to be gleaned; some of them are evidently ignorant of what they are treating, and others, like some of the present day, incline to the marvellous, and more particularly when attempting to describe

the Language. Indeed, to speak of a language in a country where there are no traces of Evidence, or monuments of Record, it is absolutely ridiculous to talk of such a thing. It will be said, perhaps, that every nation or people on the face of the globe, have a language or mode of conversing with, and understanding each other. This cannot be denied ; but animals also have the same facility ; and yet no man was ever yet mad enough to compose a dictionary, or write a grammar, upon Cat or Dog, or Horse language. Learned pigs, as well as learned horses, we have had, but their learning has not extended quite so far.

The feathered tribe, we all know, possess an infinity of Harmony, but no professor of music has ever yet wrote down in score the notes of the Nightingale, although his nightly serenades are supposed to be songs of the tenderest love. The garulity of the Magpie, the solemn hooting of the Owl, the chattering of the Daw, and the cackling of the Goose, although they may be sounds, or language, sufficient for their purpose, are still quite unintelligible to us.

The Hottentots certainly have no such thing as language, and many of them have scarcely the power of articulation. They have a sort of guttural sound, and explain themselves more by gesticulation than words : and even the few words they really do pronounce, will, upon en-

quiry, be found to be either Portuguese or Dutch. The art of writing they have known nothing of, until very lately, and even now in a very slight and imperfect degree.

They may still be said to want

“ The hand to utter, and the eye to hear.”

If, however, we are to give any credit for the astonishing progress the Missionaries are reported to have made among the Kaffres and Hottentots, in enlightening their minds, improving their understandings, and teaching them the knowledge of the true God, much good may still be done, by the introduction of Commerce, and the useful Arts, and the security and protection of the English Laws. To the extent of these benefits, no bounds are to be set. They may extend from the extreme end of Southern Africa to Grand Cairo and the Isthmus of Suez. But a good foundation is first necessary for every structure, and it has been thought by many to be the wiser way to improve the condition of mankind, before you enlighten the understanding, because by reversing the order of things, you run the risque at least of making men dissatisfied with their condition in life, and create imaginary wants; whereas, when the condition is meliorated, the mind becomes more capable of receiving instruction. Introduce to the immense

Continent of Africa, Commerce and the useful Arts ; invite the poor Natives to a participation of enjoyment of society and social order ; engage them in the Arts of Commerce and Manufacture ; and when, after being brought into a state of society, and protected by wholesome Laws, then, indeed, you may venture to go farther, and enlighten their minds. But no hope of this sort can be entertained in the Colony of the Cape, so long as the Dutch Laws are there in existence, and where the poor slaves and Hottentots are at the mercy of their cruel, unrelenting masters.

The introduction, therefore, of the English Laws into the Colony of the Cape, is here insisted upon, as a *sine qua non* to the improvement of it ; and the removal of the capital, or seat of government, from its present wretched insulated state, to the neighbourhood of Saldanha, the completion of it. These two points united with the introduction of useful and productive labour, the Author feels himself warranted in the conclusion he wishes to draw, that the Colony of the Cape of Good Hope may, in a very short time, become one of the most valuable Colonies of the British Dominions, independently of all other advantages arising from its local situation, which have been well considered by others. He cannot but feel somewhat sanguine in his expec-

tations that he may engage the public attention to a matter of such real importance, as it embraces so many objects of national concern. The circumstances of the times unite to make the present consideration of more interest than at any other.

The observations contained, on the manners and character of the Africane, are those of truth, notwithstanding they may seem to press hard upon them, and some few Individuals connected with them, and to those they will doubtless be unwelcome, and the language and descriptions seem somewhat severe. But to the candid part of the world, acquainted with Cape Town, and the character of the Africane, the author appeals for the truth of every assertion he has made. Severe, however, as he may appear in exposing the vices of the Africane, and condemning their laws, he means only to be just ; and if due advantage be taken of the hints he suggests, they will have no cause ultimately to complain of him. He has been anxious in shewing the hitherto mistaken notions, and false ideas entertained of the Cape, and trusts to point out to the world, the value of a Colony, as a British Settlement, of the very first Importance, and induce the Government of this Country really to make it so. His object has been, in this very immense Colony, to discover new markets for our own manufactures, to give a wider scope to

the spirit and enterprize of our merchants and adventurers, and to open new sources of Treasure, and new fields for exertion in supplying the rude wants of countries from barbarism, on the artificial and increasing demands of luxury and refinement in remote quarters of the Globe. If in this he has not succeeded, it is his misfortune, and not his fault. Had it been attempted by others, he would not have forced his observations on the public; but seeing the field open, he was unwilling to see the opportunity lost, bearing in his mind the observation of that most excellent writer and man, Zimmerman, "Constituted as society is, human happiness, and the improvement of the human species, materially depends upon the active concurrence of every individual in the general scheme of nature. And the man who without holds his assistance to promote the public good, loses or destroys a link in that chain of things by which the whole is intended to be kept together and preserved. The Doctrine therefore cannot be too forcibly inculcated, that it is indispensably incumbent on every individual so to accommodate himself to the manner of his contemporaries, and the temper of the times, that he may have an opportunity of promoting the happiness of others while he increases his own. Of extending the scale of human knowledge, by his social in-

“ dustry, of relieving distress by his bounty, and  
“ of exhibiting the deformities of vice and the  
“ beauties of virtue both by his precept and  
“ example.”

Of the general usefulness of books of travels, the author has ever entertained the same idea with Dean Swift, who perfectly well knew human nature, which he begs to give in his own words : “ Thus, my dear friend, in the words of Dean Swift in his *Gulliver's Travels*, I have given thee a faithful history of my travels for sixteen years and above seven months, wherein I have not been so studious of ornament, as truth. I could, perhaps, like others, have astonished thee with strange improbable tales; but I rather chose to relate plain matters of fact, in the simplest manner and style, because my principal design was to inform and not to amuse thee.

“ It is easy for us to travel into remote countries, which are seldom visited by Englishmen or other Europeans, to form descriptions of wonderful animals both at sea and land. Whereas a traveller's chief aim should be to make men wiser and better, and to improve their minds, by the bad as well as good examples of what they deliver concerning foreign places.

“ I could heartily wish a law was enacted, that every traveller, before he were permitted to publish his voyages, should be obliged to make oath, before the Lord High Chancellor, that

all he intended to print was absolutely true, to the best of his knowledge, for then the world would no longer be deceived, as it usually is, while some writers, to make their works pass better upon the public, impose the grossest falsities on the unwary reader. I have perused several books of travels, with great delight in my younger days, but having since gone over most parts of the globe, and been able to contradict many fabulous accounts from my own observation, it hath given me great disgust against this part of reading, and some indignation to see the credulity of mankind so impudently abused. Therefore, since my acquaintance were pleased to think my poor endeavours might not be unacceptable to my country, I imposed on myself, as a maxim, never to swerve from, that I would strictly adhere to, truth: neither indeed, can I be ever under the least temptation to vary from it, while I retain in my mind the lectures and examples of my noble master, of whom I had so long the honour to be an humble hearer.

“ Nec si miserum fortuna sinonem  
Finxit varum etiam mendacemque improba finget.

*See Gulliver's Travels, c. 12.*”

To the observations contained in the two preceding editions, are now added some further considerations on this important subject, more

particularly the reasons, which are very cogent, for wishing for an entire change of the existing Laws and Constitution, and the mode of increasing useful labour in the colony, and properly appreciating it.

These two grand points, the author flatters himself, he will have very sufficiently made out.

Instead of the present miserable system of law and justice, he has ventured humbly to offer for consideration, a plain and simple outline of a system of jurisprudence, which may well be adapted to the manners, character, and climate of the Cape; and he has suggested various means for the supply of useful labour, without which the colony can never flourish or become of any real consequence as such.

On the subject of Saldanha Bay, and the removal of the Capital and Seat of Government from its present site to that spot, some further observations are now offered; and in spite of all the arguments that have been used against the measure, he cannot help being sanguine on the subject. At any rate, the experiment is worth making. Half a million of money would go a great way to effect all that would be necessary; but even that would not be necessary, if proper and suitable encouragement were to be given to adventurers and new

settlers in the neighbourhood of Saldanha and Saint Helena Bays.

Provisions would then be abundant, from its propinquity to the countries that now send the supplies to Cape Town, and habitations could easily be formed.

Going out at a proper season of the year, tents would, for a very considerable time, be quite sufficient for the purpose, until more permanent habitations could be made, and the expence of erecting wharfs, quays, and store-houses would soon be repaid.

Lastly, the author, with the permission of the late most worthy Governor, has, in an Appendix, given some authentic documents, which, while they serve to mark the Africane character, are the best proofs of the mildness and wisdom of his government.

The whole study, indeed, of Sir John Cradock, while Governor of the Cape, was the happiness, welfare, and interest of the colony. He did every thing that could be done, and only lamented the insufficiency of the power and authority with which he was invested.

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ERRATUM.

Page 132, line 4, for *license* read *science*.

# EXPLANATION OF THE FRONTISPICE AND CHART.

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THE Frontispiece represents the Table Mountain, flanked on the right-hand by the Mountain commonly called the Lion's Head and Rump, which at a distance, certainly, those Mountains do somewhat resemble; and on the left-hand, by the Mountain vulgarly called the Devil's Head. It may be considered as perfectly correct, being taken by an instrument. The distance at which it is seen, is at least eight or nine Miles, and the colouring is precisely as it appears at that distance in fine weather, when the atmosphere is quite unclouded; but during the prevalence of a south-east wind, this immense Mountain is so totally enveloped with cloud, as not only to be quite undistinguishable at this distance, but even in the very Town, a distance of about three miles, it is altogether invisible, even when the Flanking Mountains are seen. A South Easter, as it is called, is always known to be approaching by a small white cloud appearing between the Mountain called the Devil's Head, and the Table Mountain, and in a very few minutes afterwards, the whole of the latter is covered with a white cloud resembling smoke, and is commonly called the Table-Cloth. When the storm abates, the cloud, as it were, retreats through the same passage by which it entered.

The Chart of Saldanha Bay, here given, is an exact copy, on a reduced scale, of Mr. Nelson's Chart, which he, himself, made with great pains, by actual admeasurement and soundings; and, therefore, thought very appropriate in its place, and, perhaps, not unacceptable to many of our readers, wishing to form a correct idea of Saldanha Bay.

From Mr. Nelson's well-known character in the British Navy, having been many years master of the Victory man of war on the Cape station, there cannot be the smallest doubt of its accuracy and correctness; and the great security of the Harbour, must be apparent

## XXIV EXPLANATION OF FRONTISPICE.

to every observer, whether as a shelter from the tempestuous billows, or from an enemy. And is sufficiently capacious for almost any quantity of shipping to ride with ease at good anchorage;—advantages not to be found in any Bay beside in Southern Africa.

A reference to the figures on the Chart, will more completely explain it.

No. 1. Saldanha Bay.

2 and 3. Juttin Island, and Malcassin Island, defending the entrance.

4. Hootjies Bay.

5. Hootjies Point.

6. Marcus Island.

7. The dotted lines between Marcus Island, denote the depth of Soundings, viz. from Hootjies Point to Marcus Island, 7. 8. 11. 14. 14. 12. 10. 7. 6. and from Marcus Island to the opposite Point, called Eyland's Point, 6. 7. 8. 10. 11. 12. 14. 14. 14. 14. 14. 14. 7. fathoms.

8. And the like dotted lines, the depth of sounding between Malcassin Island and Juttin Island, viz. 13. 15. 17. 18. 19. 18. 17. 15. 18. fathoms.

N. B. These Soundings are taken at low Water Mark. The Tide flows 11 hours 59 minutes, full and change six feet three inches perpendicular. Towards the centre of the Bay, the depth may be averaged at about 10 or 12 fathoms.

9. Salananda Bay.

10. Menwen Island.

11. Rict Bay.

12. Post-House-Well.

13. Schaapen Island.

14. The dotted lines in the Southern direction, denote a Channel for small Boats to the whole extent of the Bay.

15. Pottery Well, good water.

16. Well of very good water.

By the Scale given, it appears that the extent of the Harbour, from North to South, is about 14 miles; depth of the Harbour, from East to West, about 7 miles; and the entrance from the Sea, about three miles.

THE  
IMPORTANCE  
OF THE  
CAPE OF GOOD HOPE,  
AS A  
COLONY TO GREAT BRITAIN.

---

THE importance of the Cape of Good Hope to Great Britain, in the most extensive point of view in which it can possibly be considered, has not only been a point that has been mooted, but on one occasion absolutely negatived ; I mean at the treaty of Amiens, when Ministers justified the surrender of the Cape, on the ground of its being an expensive settlement. An elegant and well-informed writer\* on that subject says, “ That the cant of economy was but a poor justification for the sacrifice of a place of such importance.”

At that moment, perhaps, if the public opinion could have been collected, it would have been decidedly against the measure that was then adopted ; and subsequent events seem now to

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\* See Mr. Barrow's Travels in the Interior of South Africa.

have confirmed the general opinion, that the measure was extremely wrong and impolitic. Of the general importance, therefore, of the Cape, I believe there cannot any where be a particle of doubt. There can be as little doubt, that it is of the last consequence and importance to prevent its falling into the hands of the French nation, for reasons so obvious and so well known, that I need not trouble the world with observations on the subject. But I now propose to consider it in the particular view of its importance to this country, as a colony, independently of any other consideration.

At no period, I conceive, was this question more interesting, or deserving serious and cool inquiry, than at the present moment, when the public mind seems already to be somewhat agitated on the subject, and doubts are entertained, whether, under present existing circumstances, it may not be deemed proper to give up the Cape to our near neighbours, the Dutch, as having been, after the Portuguese nation, the original proprietors of the spot.

It may be well, previously to consider the present state of the Colony of the Cape, and take a general and comprehensive view of it, in all its various points. First with respect to the extent of country, climate, and population.

*1st—Extent of Colony.*

The extent of the colony is much more considerable than generally supposed, and, by the best calculation, is reckoned to contain, in the whole, from its extreme boundaries, the Karroo or Arid Plains, 180,000 square miles, including mountain, water, &c.

*2d—Climate of the Cape.*

From the latitude of the Cape we may very naturally look for a delicious climate, and excepting from local circumstances, and to particular constitutions, the climate is generally healthy and good. The district which, perhaps, is least so, is the district of Cape Town. For nearly half the year, the south east wind, (which is certainly the wind described by Horace and other writers, as the Afrum or Africum, and not the south west, as always rendered by English translators,) prevails to an alarming extent, and blowing directly as it does in Cape Town, from whence, owing to the stupendous height of the Table mountain, nearly 5000 feet perpendicular above the level of the sea, and flanked on one side by a mountain called the Devil's head, and on the other by another mountain of a most peculiar shape, called the Lion's head and rump, there is no possibility of its escaping, and

it rages with the most desperate violence, and when unattended with rain, the heat becomes excessive, and almost insupportable to an European constitution. The inhabitants of Cape Town are apprized of its approach by observing at first a small white cloud, or mist, rising between the mountains called the Devil's head and the Table mountain ; soon after, the Table mountain itself becomes enveloped in thick cloud or mist, and the storm almost instantly begins, and roars in the most terrific manner, without ceasing, many days together. At its height nothing can scarcely stand against it. Waggons drawn by twelve or fourteen oxen are frequently blown out of their road. The clouds of sand and dust are really dreadful, and even large stones are carried away with its force. The doors and windows of every house in the town, are completely closed up on the occasion, and yet so very searching and penetrating is the dust, that the houses are notwithstanding filled with it, from apertures scarcely perceptible to the human eye. These dreadful storms continue, for different periods, from three or four to nine or ten days, and between the periods the heat is very intense. The spring opens about the end of August, and the two hottest days I ever remember, were the Christmas days of the years 1811 and 1812 ; on the former

of which, by a thermometer in Cape Town, the degree of heat was, at half-past nine in the morning, at 120 degrees, and was thought to be still more in the advance of the day.

King Charles I. is reported, by Sir William Temple, in his *Miscellanies*, to have said, that he thought the best climate was that where he could be abroad in the air with pleasure, or at least without trouble and inconvenience, the most days in the year, and the most hours in the day. By this rule the climate of Cape District is most excessively bad. During the prevalence of these hurricanes, not only the sensations of invalids are acute to an extreme, but even the robust and the healthy feel its dreadful effects. The frequent and almost momentary transitions from heat to cold are extremely unpleasant and dangerous to an English or European Constitution, until it is inured to it.—The finest part of the year is what is termed there winter, commencing about March or April, to the latter end of August, or beginning of September. This is the rainy season, when it frequently rains in torrents for many days, and the houses and whole town are deluged with water. But in the intervals of rain the temperature of the air is remarkably mild and pleasant, and the atmosphere most uncommonly clear. It is seldom or ever very cold except that sort of

cold which arises from damp. The tops of the mountains are at this season covered with snow; but I scarce ever remember to have seen snow on the plains. On the dissolving of the snow upon the mountains, the cascades and torrents of water pouring down into the vallies, are almost inconceivable, except to one who has been a spectator. The rapidity and force of the streams are so tremendous as to carry every thing before them; and on one occasion, I remember to have seen a flock of goats brought down from the Table mountain into the valley. The houses being all flat-roofed, and covered over with boards and cement, which, cracking in the sun, admit the wet in the most intolerable manner, and having none but wood fires, the cold damp is almost, at times, as intolerable as the summer heat. As to other parts of the colony, although subject to the rains, they are not visited with the south east winds, and therefore must be held to be healthy and very congenial to an European constitution.

### *Population of the Cape.*

The population of the country is by no means in a proportion to the extent of it. Excepting Cape Town, Simons Town, and Stellenbosch, there is nothing that deserves the name of a town. There are, indeed, some few large vil-

laces, such as the Paarl or Pearl, Zwellendam, and Graham's Town, and others much more inconsiderable, such as Wyneburgh, Mussenburgh, and some others, which were originally only military posts and signal houses. In these a few bastard Hottentots, and some few free slaves, and a few of the poorest sort of boors or farmers, have taken up their residence in miserable mud huts with small gardens.

From the best accounts I have been able to collect, the whole population of the colony of the Cape does not exceed 80,000, including Christians, slaves, and Hottentots. A population very disproportionate to the extent of territory of the colony.

Of the original natives, of that part of South Africa, known to us by the name of the Cape, it seems to be a most extraordinary circumstance, there should be such a wonderful difference in their formation and natures, within so comparatively small a distance; but three races more distinct and unlike cannot possibly well be.

The Hottentots are a poor, dejected, quiet, tame, people, and perfectly harmless; but I differ in opinion with Mr. Barrow, in thinking them so extremely honest and faithful; yet I agree with him in saying, that "though phlegmatic, they are nevertheless kind and affectionate to each

other, and by no means incapable of strong attachments, particularly to the English military, many of the females being known to live with English soldiers." From the dingy brown of their complexions, there is, particularly on their first appearance, something disgusting. Their foreheads are very low and wide, the eyes sunk, the cheek bones high and prominent, large lips, and the chin so small and pointed, that the whole face seems nearly to form a triangle. Their hair is wooly. They have, however, in general, very white good teeth, but very broad and large, and it must be owned, that there is something like symmetry in the person of a Hottentot, their limbs being neatly turned, but they are for the most part of a diminutive stature, and no just idea of them can be formed from the specimens seen in this country, particularly that singular character the Hottentot Venus, who was of a bastard race, except that she had all the peculiarities of shape of the Hottentot women.

They are for the most part a wandering race of people, living in huts or kraals, and seem to have no particular leader, or any settled notions or habits. They have little or no memory whatever, and can have scarce any ideas of a future state. A certain dejection is upon all their countenances, and they are rarely seen ever to laugh or even to

smile. The issue from an intercourse between these people and Europeans, are a tractable people, making tolerably good soldiers under British officers, and useful servants. In the use of medicinal herbs and plants, as well as poisons, they are supposed to have considerable knowledge, which is innate in them.

Their principal food consists of fruits or roots, eating but little flesh. They are expert marksmen, either with spear, bow, or gun; but the destruction of animals with them, is more for the skin than the flesh of the animal; and the filthy stories related of them, as being more gratified by the uncleansed entrails of animals, than the flesh, and smearing their bodies with blood, excrement, &c. are all fabulous and untrue.

Of the number of these people in the whole of the colony there is no certain means of exactly ascertaining. Mr. Barrow calculates 10,000 in the district of Graaf Reynett, and in the whole colony of the Cape 15,000. But from the best information I could get, I am inclined to think the numbers much overrated, as I found it to be the general opinion of many of the old settlers, that the race was every day decreasing.

The next race of original natives are the Bosjesmen, or, as we should say, men of the bushes. Of these we know but little, as they are a race so

truly savage and ferocious, that they are deemed incapable of civilization. In exterior appearance, they somewhat resemble the Hottentot, except that they are a much more diminutive race, scarce any of them being more than four feet high, of the very tallest of them. They are a completely wandering people, living in the woods, where they go entirely naked, but carry the bow and poisoned arrows. Of the number of these people I never heard any sort of guess.

A writer of the present day, who seems to assume to himself more information than has fallen to the lot of others, insists on the Bosjesmans being one and the same race with the Hottentot; but in this he is much mistaken. In their natures and their dispositions they differ from each other still more than in their exterior appearance.

The remaining race of original natives are the Kaffres, totally and entirely distinct, and unlike in every respect, to either of the former. They are a tall, robust, muscular people, their colour a very dark glossy brown bordering on black. The height of the men is not unfrequently six feet, ten inches, but the women not so tall, but very strong limbed. They are a very warlike people, and live, if not quite in a state of social society, yet under some sort of government, under a

leader or king, known at present by the name of Gaika, who is represented, if not a man of talent, yet a man of considerable vigour and ability.

The Kaffres have always been, and perhaps will always continue, in a state of the most absolute hostility to every description of Europeans, from a notion of their being the original proprietors of the soil, and every other people mere intruders. But they are more particularly hostile and inveterate to the Dutch Settlers, from their enormous rapacity. Several treaties have been made between the Kaffres and the Dutch, and at length the boundary of the Kaffre land was fixed by the great fish river; and this boundary is obliged to be supported by a military force, and a chain of posts from Algoa Bay to the utmost extent of the colony, a distance of 6 or 700 English miles. The regiment called the Cape regiment, composed of Hottentots and bastard Hottentots, and some companies of English troops, sent up occasionally from Cape Town, are always employed on this service, as it were for the sake of maintaining peace between the old Dutch Settlers, or Boors, and the Kaffres, perpetual quarrels existing between them, and continual complaints of mutual encroachments on each other, by their cattle escaping from each side; but in nine cases in ten, the Boors are found to be the aggressors,

from that selfish, and abominably covetous spirit which they have ever possessed. Of these people (the Kaffres) any more than of the Hottentots or the Bosjesmans, can any accurate notion be formed as to the extent of their numbers. The country they inhabit seems, however, from all the accounts I have been able to collect, infinitely more populous than any other part of South Africa, as yet known to Europeans.

The remaining part of the population of the colony of the Cape consists of settlers of three descriptions—descendants of Portuguese adventurers, French refugees, and Dutch emigrants; but the latter are by far the most numerous, and they affect, all of them, notwithstanding they all speak a very bad sort of Dutch language, to lay aside their original and national character, and to style themselves, as an original nation, *Africanes*.

These three people, therefore, whom we may now consider as one, together with their numerous dependents, are those whom we are principally to consider on the present occasion.

Mr. Barrow's enumeration of them is as follows:—

Cape District .....	18,152
Stellenboch and Drakinsetin District .....	22,959
Zuvelledam District .....	6,663
Graaf Reynett District .....	14,173

This enumeration was, at the time, undoubtedly correct, as I must presume Mr. Barrow had the very best means of information from the government returns ; and from many circumstances within my own knowledge, I am still inclined to think very likely to have been correct. An enumeration of the inhabitants did, indeed, take place a little time before I left the colony, an exact account of which I was frequently promised by the Deputy Fiscal, but never obtained it.

But if I had obtained it, I should have had many doubts of the truth and correctness of it, from the well-known disposition of the Africans to exaggeration, and as a fact I well know, that in this enumeration the families of English Officers, with regiments accidentally stationed at the Cape, and resident in houses in Cape Town and other little towns, were reckoned as a part of the population of the Cape, or at least of Cape Town.

There are reasons to induce an opinion against the increase of population generally throughout the colony, which I may hereafter have occasion to mention ; at the same time the enumeration of Mr. Barrow is considered in the colony to have been, at the time, much under the mark. But if there be any considerable increase, it must have been principally in Cape Town, and not in the interior.

*Of the Soil and Productions of the Colony  
of the Cape.*

Of that vast extent of country which is not occupied by the most rugged, sterile, and stupendous mountains and immeasurable deserts, particularly near the coasts, of barren sands, and immense lakes, both of salt and fresh water, there are unmeasured tracts of land, of a soil extremely congenial to a vast variety of cultivation. Of course the soil is very different in different places, but the most prevailing are a black peaty or boggy sort of soil, like that of the fens in Lincolnshire, or the bogs of Allen, in Ireland, which have been recovered, and a sandy soil of various kinds and colours of sand. Every thing depends on the quantity of moisture on both these soils; and where the quantity is considerable, either from the rains or from springs and water courses, which in some parts are in abundance, the warmth of the climate produces the quickest vegetation, both as to seeds sown, or spontaneous productions of the earth.

Besides these two soils, there is one that very much resembles what we call brick earth, and of which are very good building materials made, and another of a saponaceous kind, or sort of Fuller's

earth, of a reddish colour, with which the Hottentots often colour their faces, and which is frequently used as Fuller's earth or soap, by the English Soldiery. Neither chalk, flint, nor gravel is, I believe, from the best information, to be found in the colony.

*Of the Productions of the Cape.*

A very wide and extensive field here most naturally opens itself, in the which the natural Philosopher would have the most ample scope for the display of his powers. It will be quite sufficient for our present purpose to enquire after such productions as may be of general use and of acknowledged value.

Independently, then, of animated nature, which, perhaps, is of more infinite variety in this than almost any other country in the whole world, I proceed to speak of the natural production of the soil; and to the speculative philosopher another extensive field might present itself. But a sort of enumeration of the most general shall now satisfy.

Excepting the article of trees and grasses, and some few fruits and roots, few of the productions seem to have been indigenous. But the general congeniality of climate is such as to adopt the production of other climates as its own. Corn and grain of almost every country in the whole

world will grow in different parts of the colony. European wheats and barleys thrive best and are most used, but the Indian wheat grows equally well, and is very productive. Rice is said to grow, but I am not sure of it, any more than of the sugar cane; and those who have asserted that fact have, I believe, mistaken a cane very frequently met with, for the sugar cane. Coffee and cotton I have seen grow in great perfection, but not tea. European grasses, where there is great advantages of moisture, will grow, but much difficulty attends their cultivation. The grasses of the interior of the country are very abundant, and extremely long and wiry. In those parts where they have no grass, green corn, principally barley, is used both as green food for cattle, and as provender for hay. The various sorts of pulse seem to do least well, and are not much attended to, even in the gardens. Besides the timber and trees of the country, which are wonderfully various in their kinds, Mr. Barrow reckoning upwards of forty, and Dr. Mackrill upwards of seventy, the oak and the elm of Europe thrive well, but particularly the oak, although the growth of it is exceedingly slow. Many, but certainly not all (as has been asserted) of the tropical fruits are to be found in the colony, and very many of them apparently spontaneous. To some

fruits the climate is evidently much more congenial than others. The vine, for instance, which certainly was not indigenous, flourishes to an extent unparalleled, while the peach, nectarine, and apricot, degenerate. The gooseberry, currant, and raspberry, will not fruit at all ; and nuts of every kind likewise degenerate. The various tribes of melons, cucumbers, goards, and pumpkins, are luxuriant and abundant in the most unbounded degree. The fig, likewise, whether indigenous or not, is in great abundance. Oranges, lemons, and citrons, are of a recent importation in the colony, yet grow well and are very productive. Many of the West India fruits, whether or not originally brought from thence, thrive well.

To the immense and wonderful productions of flowers, which exceed description, must be added a long tribe of the most valuable medicinal plants, whose various virtues and valuable qualities, although so well known to the natives, are yet little known in our *Materia Medica*. They may still be well worth our serious attention. The Aloe particularly flourishes very abundantly in almost every part of the colony.

Buffon and other naturalists have treated so particularly of animals, that it would be impertinent in this place to speak of them, more than as a production that may be made of use and

profit. I shall only, therefore, mention the elephant and hippopotamus, the one for its ivory and the other for the skin, and the breed of oxen. These are very numerous and may be made very productive in various ways.

In the mineral world, the productions of salt are very extraordinary, and capable of much valuable application ; but excepting this article, I have not learnt that any of the ores have been discovered, although gold, in very small quantities, is said sometimes to be found on the shores, and coal has been supposed to rest in some of the mountains, and attempts have been made to discover it, but hitherto in vain. Precious stones, such as cornelians, agates, &c. are picked up in great abundance in some parts of the interior.

LOCAL DESCRIPTION  
OF CAPE TOWN,  
*THE METROPOLIS OF THE COLONY,*  
AND THE  
PRESENT CHARACTER AND MANNERS  
OF THE INHABITANTS.

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IF not absolutely necessary to our present purpose, it may not be disagreeable to take a general view of the metropolis of the country, and form some notion of the character and manners of the inhabitants.

It sometimes happens, that those writing a description of a place they are in, fancy they are at any rate to amuse, and in order effectually to do this, sometimes go into the marvellous, while others, from private pique or inconvenience, or some other motive, instead of giving a true and correct idea of the place, with the manners and characters of the inhabitants, have been out of humour, and have drawn a picture suitable only to the surly and melancholy mood of the writer, without any regard to truth.\* I must confess

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\* An instance of this kind immediately occurs to me. Some

myself, that I never saw a place in my life with which I was so struck as the Cape of Good Hope, on sailing into Table Bay, steering with the most gentle breeze directly into the Roadsted. The mountain, called the Table mountain, flanked by two other immense mountains, has a most grand and magnificent appearance : and I most completely felt the truth of Mr. Barrow's observation that, " to persons arriving 'from a long sea voyage, and immediately meeting with most of the European and some of the tropical fruits,'" the Cape does appear a most delightful spot ; and such persons making a short stay, and loaded with refreshments for the succeeding part of their voyage, are apt to extol and to exaggerate the pleasantness and the value of the country. But in order to form a correct judgment of any place, it is absolutely necessary to reside in it for a time, to ascertain the beauties and advantages of it, or to discover the inconveniences and disagreeableness of it.

The general appearance of Cape Town is certainly very captivating, and from the singularity

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man wrote a pamphlet, called a Picture of Lisbon, but it had not a feature or trait of the original, and he modestly tells you he does not believe it to be like ; but that he was so much out of humour at the time that he could not write otherwise.

of its situation, the extreme neatness and beauty of the buildings, and the happy inspersion of trees, added to the beauty of the sea view, where ships of the largest burthen are seen, and look like little cock boats, or their buoys, at the foot of these immense mountains, the scene is truly grand and magnificent. In this immense Bay, however, called Table Bay, which is known to be excessively deep and rocky, and as it were the surrounding country reversed, for many months in the year no ships can land, or even enter; and if any, being before in the Bay, continue there during those months, which is sometimes unavoidable, they ride with very great difficulty, and in considerable danger, with head and bow anchors, which are frequently obliged to be shifted at the turn of tide. Even in the finest season, and often in the calmest weather, there is an immense surge, which there is nothing to break. There are no harbours, docks, or quays; a complete open Roadsted, and nothing but a long projecting jetty about 300 yards, on which if you cannot safely land, you must be content to go stern foremost with the surge, and be left on the sand. The town being close to the harbour, is well protected on that side by a considerable number of very strong forts, the principal of which are, the one called the Castle, the other

Amsterdam Battery. The Castle is thought a very complete fortification, and is, besides, the residence of the military governor and commander of the forces, when the appointments are distinct, and until lately, was the magazine for powder; and the bank and several of the public offices were here kept. The fort called Amsterdam, is likewise a very considerable and strong fortification, and usually kept as the surest place for prisoners in war time.

The streets of the town are, for the most part, spacious and wide, and cross each other in right angles. The houses are brick, plastered over, and made excessively white, which is rather disagreeable to the eye, but the doors and window frames being painted green, gives great relief, and being handsomely sashed, and the superior houses raised on what are called stoops, or platforms, have a very handsome exterior appearance. The houses are all flat roofed, but being built with parapet walls, have nothing unpleasant for the eye on that account. Of public buildings there are none to boast. The only ones of any kind are the two Churches, the Calvinist, and the Lutheran; the Governor's house, seated in what used to be called the Company's gardens, and the Stadhouse. A new building has, indeed, lately been erected on the site of the old Slave lodge,

near to the Governor's house, in which most of the public offices are concentrated, as in Somerset House. But in any of these there is nothing remarkable for splendour or magnificence. The Governor's house is a gentlemanly residence, but no more ; and, being situated in the gardens, is pleasant from the advantage of shade and water, an advantage to be met with in some few streets of the town. The largest building is that appropriated for barracks, formerly an hospital to the Dutch East India Company. It is airy and spacious, and is quite open, at a distance of about half a mile from the sea, having two very fine parade grounds in the front of it.

There are two large squares in the town, one called the Hottentot, the other called the Market Square, although all the great business of a market is now transacted on a fine piece of inclosed ground, at about the distance of half a mile from the town, where the tolls and duties are collected, and where great regularity is observed, heavy complaints having been made of great impositions by the people of the town, upon the Boors or farmers coming to market. The interior of the houses does not keep pace with the exterior. They consist principally of one or two large rooms or halls, which are the rooms they usually breakfast, dine, and sup in; while the other rooms

are small bed-rooms, or small sitting-rooms. The offices are generally detached from the house, as are the apartments for their slaves. Some of the merchants' houses, and particularly some of the English merchants, are fitted up in a superior style, are spacious, and pretty well furnished. But in all of them, the ceilings being, from an idea of keeping the houses cool, only single planks, are very unpleasant and uncomfortable, those above stairs being annoyed with the conversation of those below, and they in their turn annoyed by walking and treading of feet overhead.

Notwithstanding this handsome appearance of the town, excepting on the military parades, and the immediate places of resort for the officers, which are very few, an universal dulness prevails. There are neither taverns, hotels, nor even shops, or at least any thing that in this country would deserve the name of one. For want of these, strangers are frequently put to great inconvenience, and the only accommodation is to be had in lodging or boarding houses, where, in order to be comfortable, you must go to a considerable expense—from three to six rix dollars per day.

The only agreeable thing are the Society or Club Houses, where the Dutch or Africane, as well as English merchants, with the army and

navy, generally resort. At these houses the members are balloted for. Here you see the English newspapers and pamphlets as often as they arrive, and parties amuse themselves with billiards and other games of chance.

The site of Cape Town occupies a very considerable space of ground, and the buildings are increasing in a prodigious degree, on every side; even the space originally used as gardens, and the town will soon extend to what is termed the Lines, which is a fortification of great strength, extending from the sea quite up to the mountain, where it is totally inaccessible; and this line of fortification is still farther strengthened by a number of forts or block-houses, one lately built by Sir John Cradock, which is generally supposed to have a command much more extensive than any of the others. The whole of these fortifications, as well as those on the side of the bay, have been lately put into a much better state than, I am informed, they ever were before; and that now Cape Town would be capable of holding out a considerable time both by land and sea.

Cape Town, according to Mr. Barrow, consists of 1145 houses, inhabited by 5,500 Whites and people of Colour, and 10,000 Blacks; and in the year 1797, the total population of Cape District was said to be 6261 Christians, and

11,891 Slaves. Since that time, however, the buildings and population must have much increased. Whether on speculation or not, I will not determine, but at this moment buildings are increasing rapidly.

Of the character and manners of the inhabitants of the Cape, I mean to speak only of those of the Africanes, for English merchants, and British soldiers and sailors, will preserve the same uniformity in theirs, in all countries, and in all climes, with certain and natural allowances.

In giving a genuine account of the character and manners of the Africanes, I cannot, with any regard to truth or justice, draw a very flattering picture.

Almost without exception, in both sexes, you may observe the greatest coldness and indifference; and perfect apathy, mixed with a most inordinate share of pride, pervade all ranks of the Africanes; and, however honest and conscientious they may be in their dealings with each other, I very well know they are not over nice with respect to strangers; but, on the contrary, they seem to pride themselves on their dexterity in imposition, and none suffer so much from it as the English military and the navy. What Mr. Barrow says, speaking of the farmers at the Cape, is perfectly true, " that the inanity of their

minds, and the indolent habit of their bodies, are not even surmounted by self-interest." It is nearly as true when applied to people of trade in Cape Town, where, from people of that description, it is very difficult to get any thing done, and where, between certain hours employed in sleeping and eating, they refuse to supply any thing, and will not even grant admittance to their stores or warehouses.

Their pretensions to religion are very slender ; and, whatever little there is of it is principally among the female sex. These are often seen parading to church, attended by their slaves carrying their bibles, stools, and cushions ; but the slaves are never permitted to enter the church, but sit in rows on the outside, during the service, in readiness to attend their mistresses home. Both sexes are, in general, extremely ignorant, but they are by no means ashamed of this, and are very unwilling to learn or be taught. It is a maxim with an Africane not to think himself wiser than his father ; hence a source of the most inconceivable idleness. They universally rise, on account of the heat, at a very early hour in the morning, and take their coffee. The men immediately take their pipes, and the women walk, with folded arms, up and down the stoops or platforms before their houses. A second

breakfast generally takes place about eight or nine o'clock, after which the men are again seen at their doors, with pipes in their mouths, and the women, when dressed, walking, as before, on their stoops.

Of the men, even those engaged in building, or more active pursuits, you will scarce ever see one who has not constantly his pipe in his mouth, and even when in action, he seems half asleep, and unwilling to work ; but of the women, they are altogether insufferably idle : few of them can be induced even to amuse themselves with music, reading, &c. and as to work, they consider that as highly degrading. What Zimmerman says of female education they would laugh at. "I have," says he, "always admired the wisdom of those by whom our female education was instituted, for having contrived that every woman, of what ever condition, should be taught some arts of manufacture by which the yacuities of recluse and domestic leisure may be filled up."

The men are, in general, neither quite so ignorant, nor so idle as the women. The young men, particularly, are now very much apeing the English, and the superior sorts not engaged in merchandize, which occupies the attention of very few, are pushing themselves into the public offices, and public employments ; but they have

very few, if any of them, any thing like a spirit of enterprise, and few, indeed, can be persuaded to embrace either a military or naval life.

As they are cold, shy, and indifferent, even in their address to each other, and certainly possess no very fine feelings in their mode of living, they are equally disagreeable to an European. They are enormous eaters, and but little drinkers, inebriety certainly not being among their catalogue of vices. Of their food they judge by quantity rather than quality, and are by no means choice in their selection, or happy in their mixtures.

They are most commendable in the article of dress, which is a little extraordinary, and seemingly inconsistent with the custom of smoking with the men, and the filthy custom, with both men and women, of spitting, which is prevalent in the very first houses in the Cape, large vessels of silver, or mixed metal, called espadors, being provided for the purpose.

With the wretched education, if any, that they receive, and such lax notions of religion and morality, of course not made less so by the heat of climate, neither purity of manners, nor chastity of conduct, can be expected to prevail in any eminent degree. On the contrary, I am apt to think there are few countries I ever heard of, where the social virtues are less in practice, and

where more immorality and debauchery exists, than in the Cape.

There are well-authenticated stories in Cape Town that fill the mind with horror. The illicit intercourse between the sexes is every where notorious, not only among the slaves and inferior sorts, but with all the higher ranks ; and the offspring from such intercourse are variously disposed of—some, indeed, very many, becoming slaves, even to their own fathers, which is a fact I have had asserted to me by an Africane. The parents of such children conceive they have the power of life and death over them, at least until a certain period, and may destroy them at pleasure. Such children, if they grow up, have not an idea of shame, as being bastards ; on the contrary, it is matter of boast, and of which they are proud. The women of colour are said to be prostitutes almost universally.

But it is time to draw a curtain over a character that has, I am afraid, but little to recommend it, and so much to condemn and despise ; and I will proceed no farther in drawing a picture that cannot fail of being so truly disgusting. I cannot, however, dismiss the subject, without contradicting an assertion that has often been made of the supposed better treatment and meliorated condition of slavery in the Cape. It is altogether

untrue, and the public records of the place will furnish instances of the most savage cruelty and barbarity ever practised in any country ; and the poor Hottentots, who are not slaves, are as frequently the objects of the most savage barbarity of the Africanes, as the poor slaves are, and, if possible, even more so ; as, from a principle of self-interest, a man will no more kill his slave than his horse, but in the poor Hottentot he thinks he has no property. This cruel nature of the Africanes vents itself, also, upon the poor animal race, of which there are various accounts, some of which I well know to be true.

With such a race of people the social virtues are at a very low ebb, and generosity, kindness, and liberality are not to be expected.

Of all the various sorts of original settlers, the French refugees are considered by far the best, and of those in the interior, uncontaminated by the vices of the Cape, many bright examples and patterns of real goodness are to be found, and instances of hospitality and generosity are by no means uncommon.

With these people indolence is most to be condemned ; they are all universally indolent.

*Present State of Religion at the Cape.*

I have already hinted at what, on fair enquiry, will be found to be the case, that the religion of the colony is at a very low ebb. Notwithstanding all the pains that have been, and are now taking with comparatively a few only of the original natives, the Hottentots, the slowest possible advances have been made, and the real and undisguised truth is, that these people, most certainly, are not gifted with memory. Mr. Barrow mentions that they never know their own age, and which, from their appearance, it is often difficult to guess. The two other races of original natives are in much too savage a state to attempt to civilize. With the settlers, then, and their dependents, whatever little there is of religion, it is to be found.

The Dutch, French, and Portuguese are either Lutherans or Calvinists by profession, and have each their church and their pastors, one of whom, by way of pre-eminence, is called the Bishop or Superior, but by whom that title is conferred, and what are his rights and authorities, I have not been able to learn. Among the slaves there seems no idea whatever of religion, except with the Malay slaves, who have houses of meeting on the evening of the Sabbath, and on particular days,

where, under the idea of religious ceremonies, the most horrid and diabolical excesses are committed.

With the slaves in general, the day of rest to all the world besides, was, until lately, a day of the hardest and severest labour. On this day they were paid by their masters for their work, and were thus enabled to purchase with their hire something to maintain them during the rest of the week, to help out the scanty pittance allowed them. This practice, however, I have lately understood to be abolished by the late Governor, Sir John Cradock. For the English settlers and the garrison, a colonial chaplain is appointed, and service is very regularly and constantly performed in the Reformed Church in Cape Town. There are, besides, sectaries of different denominations, who have handsome places of worship. Except in Cape Town, there are not, in the whole colony, more than five or six churches, or any place of worship whatever. Such is the real and true state of the country in this particular.

The Clergy, of course, cannot be numerous. Besides their ordinary duties as Clergy, they have the direction of funds raised for the relief of the poor. They are tolerably well provided for out of the public funds.

*Of the present Military and Civil Government of  
the Cape of Good Hope.*

Since the capitulation of the Cape to General Baird, the government of the colony, considering it as an English settlement, or perhaps more properly, conquest, the government is rather military than civil, the title of the Governor being that of “Governor and Commander-in-Chief of his Majesty’s Castle, Town, and Settlement of the Cape of Good Hope, in South Africa, and of the territories and dependencies thereof, and Ordinary and Vice Admiral of the same, Commander of the Forces.”

At the same time, the Governor exercises his civil authority, by being in his own person, assisted by legal assessors, the High Court of Appeal in all cases, criminal as well as civil.

By the terms of capitulation, in the year 1806, although by the very first article of it, “the whole of the settlement of the Cape of Good Hope, with all its dependencies, and the rights and privileges held and exercised by the Batavian government, will be considered as surrendered by the Governor, Lieutenant-General Jansens, to his Britannic Majesty ;” yet, by a subsequent article, “the inhabitants of the colony are to enjoy the

same rights and privileges as those granted to Cape Town, according to a capitulation made a few days before with the Commandant of the town, Baron Van Prophalow, which is, that "the Burghers and Inhabitants shall preserve all their rights and privileges, which they have enjoyed hitherto, and public worship, as at present in use, without alteration ; also the paper money in circulation to continue current until the pleasure of his Britannic Majesty be known."

Few capitulations, perhaps, have been more canvassed and more condemned. The necessity of any capitulation has never been admitted ; but, supposing there had been the necessity, the whole of the colony, by the very first article of the treaty, being considered as surrendered, it was competent to the English General to have insisted on any subsequent terms he pleased. And it must be considered as a very extraordinary circumstance, that no mention whatever is made as to laws, government, or constitution, leaving to the inhabitants, who, from their various character, could not be considered as the people of any particular or known nation, the exercise of their rights and privileges, their religion, and their paper-money. Matters being left thus entirely, as it were, open, and the British Government supine on the occasion, the cunning Africane

have presumed to construe the words rights and privileges into laws and constitution ; and although the Governor is, as has before been observed, in his own person, the ultimate court of appeal in all cases, he has but a small share of civil authority. The crafty Africans, not content with the exercise of their rights and privileges among themselves, affect to extend their laws, and give their courts controul over Europeans in all cases civil and criminal. The British army and navy only were considered as exempt, as being under military law, and the immediate command of the military governor. But of late, officers both in the army and navy, have been obliged, in civil cases, particularly cases of debt, to be amenable to the courts of the Africans, in which are to be found decisions totally repugnant to the English laws, and subversive of every principle of known justice. The laws by which this people affect to be governed and to govern, are not to be found in any particular code, nor established by any known form or principle, but the judges in their courts decide according to the impulse of the moment, and the courts being close shut, no oral pleadings, no confronting the accused with witnesses, unfortunate suitors and culprits are sentenced and condemned. Mr. Barrow, speaking of what he is pleased to term the jurisprudence of the Cape,

says, " that the constitution and the practice of the courts of justice at the Cape, are ill-suited to the sentiments of Englishmen ; yet, as their continuance was stipulated for in the articles of the capitulation, they remained, of course, unaltered." So far is true as it concerns Africane ; but surely no man will contend, that in a ceded colony, the conquerors are to be bound by the laws of the conquered, more particularly in cases of property, which is subject to that law which governs the person of the owner. No principle of law was ever more fully recognized and acknowledged than this, and yet even in this instance, the pretended laws now in force at the Cape are diametrically opposite.

During the existence of the Dutch East India Company at the Cape, so extremely jealous were they of these Africane courts, that the civil servants of the Company composed two-thirds of the members of the Courts, and the other third was chosen from the Burghers of the town. And not only in the courts, but in all colonial affairs, the Company directed their servants to take the ascendancy.

Would it not have been prudent in the English government to have profited by this hint ? The question seems most natural. As matters now stand, the British nation, at the Cape, seem almost

as if it were afraid of offending these proud Africane, who, before their arrival, were the merest beggars.

It may not be impertinent to examine a little more into the nature of the courts of the Colony, and the state of police. There are two courts in Cape Town besides the Court of Appeal. These courts are distinguished by the high and lower courts of justice, as they are called, and these two courts ramify into different sorts of authority and jurisdiction, as in this country, and comprehend the fiscal's department, like the criminal side of our King's Bench. The chamber for regulating insolvent estates, something like our bankrupt laws, the matrimonial court, for the regulation of marriages, considered as a mere civil contract, and the orphan chamber, somewhat analogous to our wardship of chancery, and, lastly, the burgher senate, which has a controlling power over the whole town as to erection of buildings, care of water-courses, cleansing streets, &c. The fiscal's department is confined to the police of the Cape Town and Simons Town ; and the duty is very much the same with that of the police magistrates in our metropolis, with the difference that the fiscal is on all occasions the public accuser, and until he has the authority of the court of justice, can only detain or imprison offenders for safe

custody ; and after trial and judgment, he exercises, by the authority of the court, that of sheriff and public executioner.

All causes of inferior consequence, and in cases of debt to a limited amount, are first commenced in the lower court, from whence an appeal lies to the higher court, and from thence to the governor in council ; and if the amount of the debt, or cause of action exceed four hundred dollars, there is an appeal at home to the King and council. But this has rarely happened. With this parade of courts there is much apparent semblance of justice and equity ; but from every thing I have heard and could learn, there is but too much reason to agree in opinion with Mr. Barrow, when he says, " The constitution and the practice of such a court, gave but too strong ground for supposing that justice was not always administered with strict impartiality. The cause of a foreigner was always, indeed, considered as hopeless." *had.*

There are some peculiarities in the administration of justice I cannot help observing upon. One is, that in a civil cause previous to the commencing proceedings in either of the courts, it is usual for the plaintiff or person making demand, to send to the defendant or debtor, a notary public, to insinuate (as they term it) the party, that is to say, as it were, to talk the matter over and

endeavour to compromise. And the defendant or debtor has the same sort of right to insinuate after a demand of the debt has been made, but it must be before an action is commenced. Another was, that previous to a trial, if a slave or Hottentot were supposed to be able to give any evidence, as witness, the fiscal of his own authority instantly committed the unfortunate person to prison, in order to be forthcoming at the trial. But this practice has been, I believe, abolished by the interposition of Sir John Cradock.

A particular case might possibly justify such a measure ; but as a general rule, what on earth can be so absurd, for it must tend to defeat, rather than promote the ends of justice, as, under such circumstances, a willing witness would seldom be found.

In the courts of the colony, the oath of a slave, a Hottentot, or person of colour, is rarely, if ever, allowed to be taken, by which means offenders, if white people, frequently escape with impunity ; but there is still something more monstrous than all, that by the laws of the colony, no person, although convicted and condemned to death, can be executed, until he has made a confession of his guilt. Such a confession is not unfrequently extorted by the pains of the torture, but there are many instances of persons dying under the

torture, who were sentenced to a different mode of death. *Nov 1811*

A very unfavourable account, this, of the jurisprudence of the Cape. *I think so indeed*

It will not, I trust, be unseasonable to mention, that the great countenance and indulgence shewn by former Governors to the Africanes, have given them an air of consequence and importance, and they have been secretly endeavouring an extension of their own laws, not only over British subjects resident in the colony, but even over the British army and navy, who cannot come within the legal description of residents. At this moment British officers are made to submit to the matrimonial laws of the colony.

A very respectable woman, now the wife of as respectable an English merchant in the colony, having, probably through ignorance of what is called colonial law in this respect, married without the consent of the matrimonial court, was for this great supposed offence summoned before the court, and not attending to answer the charge, was condemned for contumacy, and sentenced to banishment. This sentence was actually put into execution. The poor woman was violently torn from her husband, and confined with the common malefactors in the gaol called the trunk, until she was actually put on board ship, when she was

sent to England. Her husband followed her, and they have since returned to the Cape, where they are now both living.

In another case, an Englishman was tried by the Africane courts, and found guilty of publishing a libel. But the libel was in the English language, therefore, how far Africans could judge of the malicious tendency of a publication (a question often puzzling to an English jury) in a language they could not be supposed to understand, even by translation, is a very curious circumstance. It strongly marks the Africane character.

*Of the present Revenues of the Colony.*

The present revenue of the colony arise from several different sources, and even now are by no means inconsiderable, although there is no question but they may be materially improved.

The land revenue consists of the rents of  
 loan farms,  
 of gratuity lands,  
 of quit rents,  
 places taken by the month,  
 salt pans.

There are no export duties, but import duties are paid on all articles brought into Cape Town, whether of foreign or home produce.

Besides the import duties received at the custom house, and port fees, import duties are paid at the barrier on all wines and brandies, as they are brought into Cape Town. A market duty or toll is also now taken of all articles brought for sale at the new market, very recently established, with an exception to the produce of the grazier ; and no duty whatever is paid on any article consumed at home or sold in the country. A duty is payable on the sale or transfer of any estate or building, and on the lease of every loan farm.

A considerable duty, called the vendue duty, is paid by both buyer and seller of every kind of property disposed of by public auction.

A large annual income arises from fees received in the Secretary's office, and from seizures, fines, and penalties.

The postage of letters is another, but no very considerable branch of revenue.

The duty on licenses to retail wine, beer, and spirituous liquors, as also to keep gaming houses, to leave the colony, &c. brings in a very considerable sum of money.

The interest of the capital lent by the directors of the Lombard bank, forms another part of the revenue, although inconsiderable. This arises from a sum of paper money, many years ago

issued by the Dutch government, in the way of loan to individuals, on mortgage of their lands, or houses, together with an additional personal security at an interest of 5l. per cent.

Originally this was a mere scheme to raise money, to answer the necessities of the Dutch East India Company, but has nevertheless been, and still continues to be, a matter of great private accommodation, and Europeans as well as Africaneas take the advantage of it.

But the most material article, is the stamp duty, which is infinitely more than all the former put together. No one act whatsoever, whether of a public nature, as pleadings, records, or decisions in courts, or of a private nature, as agreements between individuals, mortgages, bonds, wills, and codicils. On all deeds for securing the portion of children from former marriages. On all deeds of discharge for the receipt of the portions of those who are instituted heirs. On all free contracts of marriage. On all deeds and other papers connected with the government, Secretary's office, with the court of justice, or other inferior courts.

On all contracts entered into with strangers for the supply of colonial produce. On all charter parties, ships above a certain tonnage. On all bills of lading and bottomry bonds.

On all vendue or auction notes or accounts, and every document relative to public sales.

On all privileges and licenses, such as vendue masters, butchers, bakers, wine-merchants, waggons, clubs, &c. societies, billiard tables, permissions to remain in, or to leave the colony, letters of burghership, adoptions, and emancipations.

On all powers of attorney, protests, transfers, on the deeds of appointment of the civil servants, on all proceedings in the court of appeals, and in the Court of Admiralty.

And some others might still be added to this long list, in which, in every instance, a certain stamp duty, enumerated in what is called the Court Kalendar, must necessarily be paid.

In the year 1797, Mr. Barrow calculates the net annual proceeds of the colonial revenue, at 450,713 rix dollars, or £90,142 sterling. This, however, is valuing rix dollars at their currency value of 4s., but when considered as sterling, ought only to be reckoned at 3s., which reduces the amount considerably. But even so, I have no reason to think he is incorrect in saying, that these sums, which are applied to the payment of salaries on the civil establishment, the expenses of the several departments, the repairs of the government buildings, and the contingencies and

extraordinaries of the colony, were more than adequate to all these purposes.

However, since that time, there has been a very considerable increase of revenue, and a much greater may still be made. For although the list given of the several stamps appears very multitudinous, yet the actual sum on most, is so excessively trifling, that in many cases it might well be doubled without being felt. And when it is considered, that the colony is exempt from all the great burthens that effect this country, such as the poor's rates, the land, window, and house rate, the great and heavy article of tithes, &c. &c. there can be no doubt, either that the present revenues may be increased to any given amount, or that other sources of revenue may be found out, and, perhaps, without checking the improvement of the colony. The measure would become a spur to industry, as was originally the case of old Holland, or the seven united provinces, a country said to be taxed in an infinitely greater proportion than any other country in Europe.

*Of the present state of Trade at the Cape of Good Hope.*

The trade of the Cape has been carried on very differently from every other country I have ever heard of. Indeed, with the general idea of

trade, there is, at this moment, scarcely any thing that really deserves the term.

With the exception of a very few British merchants, now settled in Cape Town, the people there, known by the name of merchants, would in England be deemed nothing more than mere factors and salesmen.

The practice has been either to send out investments, or make consignments of an heterogeneous number of articles, which, almost the moment they were landed, were brought to a vendue, or Public Auction, and there disposed of in small lots, with which the petty storekeepers and shopkeepers, called Negotie Winkel, men supply themselves, and retail at exorbitant prices, as, by this mode of dealing, there is no difficulty in effecting a monopoly. *This was the free trade in John 3.1*  
*and so on the island*

This mode has been particularly encouraged, as bringing a considerable sum of money annually to the government, and is considered as forming a considerable branch of the revenue.

The return for goods thus sent out and disposed of, has hitherto been always made by bills ; but, as government bills are not always to be purchased, or, when they are, at so enormous a rate as from 50 to 70l. per cent. few merchants could either get them, or afford to buy them. The commodity, therefore, to be disposed of must unavoid-

ably rise to a most enormous price to enable the merchant to purchase these bills. And in the event of not being able to get government or public bills, private bills have been sent; but, as they have not always been honoured when sent, the merchant in England has been unwilling to export fresh articles, and the merchant in the Cape having, on the strength of the remittance he has made by his bill, ordered a fresh consignment at the expiration of six or seven months, has not only the mortification to find his bill returned, but is disappointed in receiving a fresh supply. Thus the hazard and uncertainty of return to this country very naturally induces a shyness in British merchants and manufacturers in sending out merchandize. And, as the hope is so very forlorn a one, when an investment is sent out, or a consignment made, you may be sure the most inferior articles of every description, and such as will not find vent in England, will be the articles sent out. The ill supply of the Cape market cannot, therefore, be wondered at; and yet, as an English colony, of so general importance, nothing can well be more to be lamented.

The wine trade, and the whale fisheries present themselves as objects of export from the Cape, which would very much facilitate the general trade of it; but neither the one nor the other

have hitherto had sufficient encouragement given them.

The wine trade has been in the hands of a very few rich, indolent Dutchmen, who purchase the wine of the Boors from the interior, and have used it principally for their home consumption, or exported it to countries where there have been no import duties, but have never sent any quantity to this country, in return for English commodities, on account of the heavy duties. The stimulus, therefore, till now, has been wanting.

The whale fisheries can only be considered as in a state of infancy, (for at present these are in a very few hands,) and require every encouragement and assistance. That they might, with proper attention, be made extremely productive, is a point I have never heard disputed.

From these two articles, then, what a prodigious return would be made ; and the Cape market might then receive from this country not only an ample supply for its own colony, but would soon become a market for other countries, particularly the isles of France and Bourbon and Java, all of them, at this moment, excessively ill-supplied with any and every sort of European produce.

Speculative men have had an idea of making a sort of circuitous trade, by a merchant in this country sending to his correspondent at the Cape

a cargo of such articles as the colony are well known to be in great want of, and which would, of course, find a ready market ; and, instead of receiving money or bills for the amount, take in a cargo of wines or other articles, such, perhaps, as corn, in the same bottom, to the West Indies, and disposing of these articles in like manner, as at the Cape, freight home with West India productions. And by this circuitous mode of trade, a great saving of time is proposed, as well as a great saving of expense, as the three voyages would, in fact, be performed in nearly as little time as a voyage out and home is now performed.

There may be, probably, objections to this scheme. However, this, or any other, may be well encouraged in idea, as it must be confessed that at present nothing can be more wretched than the state of trade, which is principally owing to the want of commodities to make a return to the English market ; and, in some measure, to the apathy and indolence of the Dutch settlers as merchants at the Cape.

It was jocosely said by Lord Chesterfield, of the two cities of Bath and Bristol, that pleasure was the trade of Bath, and trade the pleasure of Bristol. But of the Cape neither the one nor the other can be applied with any sort of truth or propriety.

Pleasure certainly is not the trade of the Cape, nor have they any pleasure in trade.

*Of the Money and State of Credit in the Cape.*

As by the capitulation we have seen it was provided that the paper-money in circulation was to continue current until the pleasure of his Britannic Majesty should be known, no coin whatsoever is in circulation, or perhaps in existence, at the Cape, save and except a certain quantity of Spanish dollars for the payment of the troops, and even of these so small is the quantity, that in a day or two after the 24th of every month (the day on which money is always issued for the payment of the troops) not one is to be seen. They are all bought up by some two or three persons, who return them again to government for their bills.

The payment of the troops in Spanish dollars was intended as a boon, being issued at the rate of 4s. 8d.—a sum much under their real value, and immediately exchanged into rix dollars or paper-currency, at a nominal value varying from 5s. to 6s. 8d. or perhaps as high as 7s.

The rix dollars, which are at a nominal value of 4s. English, are in different numbers from one upwards to one thousand. They were usually printed in Dutch, and signed by three of the Burghers of the town, but they are now printed

in the English language. There is, indeed, a large quantity of the old English penny-pieces coined by Mr. Boulton, now in circulation, under the name of double gees, or two-pence, for which they pass current.

With such a medium the state of credit cannot be in any very flourishing condition ; or rather that, in the common concerns and transactions, there is no credit whatsoever. You must pay instantly for whatever you purchase, except at a vendue or auction, where a month's credit is all that is given.

Without credit, therefore, one of the grandest essentials of trade, besides the difficulty attending the want of articles in making a return in any thing but bills, we cannot be surprised at the low ebb of trade in the colony. There are no manufactures, no money, and of course no funds. For the accommodation of individuals, there has, of late, been a Bank, called the Lombard Bank, in which, if money remains entire for the space of one year, the members (one of whom, viz. the President, is an Englishman) allow an interest of 2l. per cent.

The only riches of an Africane are his slaves, which he values to an European at the most extravagant rate ; children of three or four years old being frequently sold at 300 or 400 dollars, and good seasoned slaves, initiated into any

trade, or brought up as drivers or coachmen, from 1500 to 2000 dollars, is not an uncommon price. The late Mr. Reynevold was said to have had more than 300 slaves; and, calculating them on an average at 500 dollars each only, produces 22,000l.—but they were said to be worth considerably more,

Having now taken a general view of the state of the colony of the Cape of Good Hope in all its branches, and all its bearings, at the present moment, I will endeavour to consider it merely as a colony of importance and advantage to the mother country.

It has been most confidently asserted, that, as a territorial acquisition, unconnected with our Indian trade and settlements, the colony of the Cape is of no importance to this country; and that it is only necessary for the preservation of our Indian trade and settlements, to keep it from falling into the hands of a power that might one day wrest from us that trade and settlement. Some persons have even gone so far as almost to

wish a total annihilation of the Cape. It must be admitted, that that use of it is not by the East India Company as might be, and the policy of that Company, with respect to their present mode of treatment of the Cape, has been, and continues to be, much doubted.

How far it might be worth while, or consistent with the general concerns of the Company, to open a market at this place, not merely for the supply of the colony, but for North and South America, and the whole of the West Indies, I do not venture to determine, although the affirmation side of the question I know to have been frequently held. And the settlers at the Cape feel themselves, with respect to India produce, as in a state of cruel tantalization, being half-way between our Indian possessions and the mother country, and once considered the half-way house or place of bait and refreshment on a long voyage, yet being denied, as it were,\* any participation of the treasures and delicacies of the East, or at best by enjoying them at a second hand,

\* For some few years past, Mr. Pringle, the East India Agent, has been in the habit of exposing to sale, at stated periods, certain articles of East India produce; but it has always been in so very scanty and trifling a way, that his sales rather resembled the scrambles of school-boys than the sales of a merchant.—A few chests, or half-chests of tea; a few shawls, muslins, and pieces of nankeen, making up the whole business of the sale.

Free Trade?

at an enormously raised price, on the articles coming out from England. It is a notorious fact, that the present policy of the Company has given rise to a very considerable contraband trade between America and the East Indies. That trade would certainly cease if the Americans could come to an Indian market at the Cape, and would gladly bring to the Cape market what is there so very much wanted—their timber; for, after all that has been said, and all the trials made, of the timber of the colony, it is ultimately of little or no use or value.

Without entering farther into these considerations, as a time may possibly arrive when the English government may again entertain the same opinions that were held at the treaty of Amiens, although those opinions were thought erroneous by those who knew how to appreciate the advantages of the Cape; yet if such opinions should be entertained, the East India Company may too late repent their own fatal sentiments as to the real worth and value of the colony; and it might, perhaps, be thought too much for the East India Company to expect of the English government to retain the Cape at any expense, when those for whose almost sole benefit and advantage it is retained, have thought fit to consider it of none. —

Independently, however, of the use made of

the Cape by the East India Company, and of which more need not now be observed, there can, however, be but one opinion, that, as long as the East India Company, or this country, have possessions in the East, the Cape can never be suffered to be in the hands of any power that may hereafter be hostile to us.

The policy of permitting it to be in any hands, however friendly to this country, and by whatever ties attached, yet if incapable of maintaining it, and the possibility of its falling into hostile hands, would evidently be bad. *I consider*

That the Dutch, as a nation, are unable to preserve it, at present at least, is beyond all question. To maintain the Cape, a considerable naval, as well as a military force is requisite. Neither the one nor the other have the Dutch at present, or are very likely to have for some time.

But were the case otherwise, and the Dutch could maintain it, except as a colony, to them it could not possibly be of any advantage, as the Dutch East India Company have long ceased to exist, and their trade to the East not very likely to renovate and revive. But even as a colony to the Dutch, as matters now stand, it would not be to them as to us, productive. They are in no want of colonies ; they are much better without them.

The great advantages to be expected to be de-

rived from the Cape, as a colony, must be from the soil and the employ of useful labour.

Those will be no advantages to the Dutch nation. If they have not already sufficient territory, they may possibly soon have; and they have no useful labour to spare.

The same arguments, or nearly so, that apply to the Dutch nation, apply equally to the Portuguese nation, besides other obvious ones.

The only two powers, then, to whom the Cape can be of consequence to maintain, are the British and French nations; and, regarding it merely as a colony, stript of every other consideration, it can only be of consequence and importance to this country.

If the propriety, then, of preserving the Cape to this country be, as it must, admitted on every account, it becomes now necessary to see in what particulars it is of most advantage, considering it merely as a colony.

Mr. Barrow admits, that the Cape holds out considerable facilities for the encouragement and extension of the South Whale Fishery, but insists that, as a mere territorial possession, it not only, in its present state, but probably never can, by any regulation, become a colony worthy of the consideration either of Great Britain or any other power. Nearly eight years, however, have elapsed

*but it is a great consideration*

since the publication of Mr. Barrow's book—a period sufficiently long to have made a considerable difference in any country.

In his general enumeration of the advantages of the Cape, he reckons, as not among the least of them, the cheapness of its maintenance as a colony. It cannot be doubted. Even in time of war, the expense of supporting a garrison is by no means considerable, and in time of peace comparatively nothing—20 or 30,000l. per annum is said to be quite sufficient. Mr. Barrow also says, that the Cape of Good Hope is the only military station that exists, where the soldier can be subsisted for the sum of money which is deducted out of his pay in consideration of his being furnished with a daily ration or fixed proportion of victuals. This is certainly true; and the soldier would, perhaps, have no reason to complain, if the provisions were served by any but Africans. If a fault is to be found, it is with the quality, and not the quantity.

Taking them, as we have before done, according to Mr. Barrow, the expense of maintaining the Cape at 90,142l. sterling, but more properly, perhaps, at one-fourth less than that sum, reckoning the difference between sterling and currency, the expense is, perhaps, the very least of any colony belonging to the crown of Great Britain.

Indeed, it may be said with truth, that the colony does, at this moment, fairly support itself.

This, alone, is a very great point, and, independently of other considerations, might be used as an argument for holding the Cape; but much stronger are those to be drawn from ulterior advantages, as a colony from local circumstances. For it must be extremely important to Great Britain, to open new markets for British manufactures, to afford a wider scope to the spirit and enterprize of our merchants, and to discover new sources of treasure and revenue, and at this moment, more particularly, new field for exertion at the dawn of peace, that we may hope to last for very many years. The reduction of the army and navy will, for the present, throw thousands out of employ, who in the colony of the Cape, may exercise their labour and faculties with comfort and advantage to themselves, and ultimate benefit to the mother country.

To the advantage of the climate of the Cape, which is generally salubrious, the soil is the first object of notice; and, although accidental visitors have represented the Cape as a mere sandy desert, and a useless and barren continent, that representation is owing to their very confined knowledge of the country. In the peninsula, or narrow tract of land, between the two bays, Table bay and

False bay, this description, it must be confessed, is too true ; but even here very many spots are to be found, that would amply repay the labour and toil of the husbandman and the farmer.

Travelling at the Cape is excessively expensive as well as inconvenient, and, therefore, very few visitors have an opportunity of seeing more of the country than the narrow Isthmus, called Cape District ; but on going into the interior very different scenes present themselves. True, indeed, it is, that nature does not generally appear in a harmonized and softened state, yet many very large and fertile tracts are to be found ; and, although you may in vain look for the verdant turf of Europe, the production of a variety of grasses, and of the most exuberant kind, is to be seen to an immense extent, in very many different places. This may serve to unravel to casual observers, the otherwise seeming mystery of the great abundance of oxen, and most of them quite as large, if not larger, than those generally seen in England—waggons coming up to Cape Town from the interior, being drawn by from 12 to 18, and sometimes 20 oxen. Horses are now become abundant, particularly the little blue and strawberry-colour horse, of the Spanish American breed ; but they are principally of use in Cape District ; oxen being universally used

for draught up the country, on account of the tremendous roads, which scarcely any horses could travel: while the patient labour of the ox will surmount every difficulty, for in passing the Kloofs, or dreadful rugged summits of the mountains, they frequently either kneel or lay down, with the whole weight of the waggon pendant from the yokes, until sufficiently recovered to pursue their toil.

There are few, perhaps, if any, vegetable productions, that may not be had at the Cape with a little industry, as I have before observed; and the quantity of those might be increased to any given proportion, with a sufficient assistance of labour. How this is to be got we will afterwards enquire. —

The advantages of the Cape, as a colony to Great Britain, must principally arise from the natural productions of the country, and bringing them to this, and exporting them to other countries in exchange for commodities. It may be thought that of these productions, few, if any, would become sufficient objects of trade and commerce. They certainly are not very numerous, but some are certainly important. Among the most important is the article of wine, considered both as a natural production, and an article of commerce. I will, therefore, begin with that article, and more particularly consider it, as also,

as connected with it, brandies and spirits in a rectified state.

### *Of the Wines of the Colony.*

This is a subject that deserves much consideration and attention, and although I feel myself unequal to the task of doing it complete justice, I trust I may be able to afford some information that may be amusing, if not useful, although I will hope both.

The wines of the Cape have not, I know, as yet been held in much estimation in England, from want of being better known. The high rate of duty, and the immense distance of the Cape from this country, and the consequent high price of freight and insurance in time of war, have been insurmountable obstacles to the introduction of Cape wines into England. The very little that has been brought home, has been the remains of the Sea stock of officers or passengers on a voyage, and some few casks of a rich sweet wine, called Constantia.

These specimens, however, give us a very faint and poor idea of Cape wine, for I am confident, that with proper care and management, as good wines are, or may be made in the colony of the Cape, as in any part of the known world. The

X *London, 1812.*

vineyards are large and produce in immense quantities, and a very great variety of very choice fruit, which ripens to an extent, if not unequalled, yet, I believe, unsurpassed. The vine certainly is not indigenous, but the soil and climate are both remarkably friendly and propitious to its cultivation.

Until of late years, with the exception of a single grower of wine on the little spot called Constantia, in the Isthmus, between the two bays, Table bay and False bay, a name given it by the proprietor in compliment to his wife, the smallest possible attention has ever been paid to the article of wine. The wine grower, or farmer, as he is usually called, growing a sufficient quantity for his own consumption, was satisfied\* with the addition

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\* The idleness and supineness of these people is so admirably described by Mr. Barrow, that I cannot resist inserting his own words on the subject, " a true Dutch peasant or boor, has not the smallest idea of what an English farmer means by the word comfort. Placed in a country where not only the necessaries, but almost every luxury of life might, by industry, be procured, he has the enjoyment of none of them. Though he has cattle in abundance, he makes very little use of milk or butter. In the midst of a soil and climate most favourable for the cultivation of the vine, he drinks no wine, or comparatively none. He make use of few or no vegetables or roots.

" The boor, notwithstanding, has his enjoyments : he is

of one or two leaguers, a cask of about the size of two English pipes, to send annually to Cape Town, to barter for such articles as might be wanted for the use and consumption of his family for the rest of the year.

Since, however, the demand for wine has so much increased, and the price consequently so much raised, something a little like a spirit of industry, prompted by the hope of gain, (the predominant passion of an Africane) has appeared among these people, and this is much encouraged by the pompous display made in Cape Town by the wine merchants in their stores, or cellars, where it is no uncommon thing to see from one to two, and even 300 casks of immense size,

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“ absolute master of a domain several miles in extent, and he  
 “ lords it over a few miserable slaves or Hottentots without  
 “ controul. His pipe scarcely ever quits his mouth from the  
 “ moment he rises, till he retires to rest, except to give him  
 “ time to swallow his sop, or a glass of strong ardent spirit,  
 “ to eat his meals, and to take his nap after dinner. Unwilling  
 “ to work, and unable to think, with a mind disengaged from  
 “ every sort of care and reflection, indulging to excess in the  
 “ gratification of every sensual appetite, the African peasant  
 “ grows to an unwieldy size, and is carried off the stage by the  
 “ first inflammatory disease that attacks him.”

Nothing can be more true than this description, as far as it applies to the common boor, or farmer; but the wine farmers, who are for the most part of French extraction, are rather a superior class, and have a good many slaves.

“ 1800 in the ab. 1801 19

made either of mahogany, or some other very dark smooth wood, very highly polished, and bound with broad brass hoops, and brass cocks, and lying on their sides. This, perhaps, is more parade than any thing else. But the circumstance of the great encouragement given by the late worthy Governor, Sir John Cradock, cannot fail, in a very little time, I am well persuaded, to produce wines of a variety of sorts no way inferior to those of any country whatever. And it would be singularly strange and unaccountable if it should not be so, when we find climate and soil so perfectly congenial, and the grapes of the colony are of almost every different sort known, and are, of themselves, of a superior quality. The fault, then, of the Cape wine has not been in the fruit, but in the making and method of preserving it. With respect to the making, it must be confessed, the practice has been slovenly and bad, but is now infinitely improved by the wholesome and judicious regulations of the Governor. The practice has been in a very large vineyard, to throw, perhaps, half a dozen different sorts of fruit, ripe and unripe, with stalks, leaves, weeds, &c. indiscriminately into a very large receiving tub, in which are put two or three old black slaves, quite naked, to squeeze the grapes, by trampling

on them. The bottom of this tub is perforated with small holes, through which the juice escapes into a large receiver, and from thence conveyed into very large casks that have been previously smoked with sulphur to destroy the foul air. In about a month's time the wine is again racked off into other large vessels, which have likewise undergone the same process, and sometimes a quantity of very bad brandy put to it ; but this has been found, from the natural body and strength of the wine, to be unnecessary. This process of racking is repeated, generally, two or three times, and sometimes more, when it is fined, if necessary, with whites of eggs, or isinglass if it is to be gotten. But this is not always the case ; and the oftener the process of racking into prepared casks is repeated, I am informed the stronger is the wine, till at length it requires, by keeping, a very considerable degree of strength and body. There has often an objection been made to Cape wines, of an earthy taste, which has been accounted for by the vines growing too near the ground, and not being trained to espaliers, as in the Island of Madeira. This, however, is more matter of conceit than fact ; probably in the promiscuous and slovenly mode of gathering the fruit, a certain quantity of mould may have been thrown into the press with the fruit, but even if so, that taste

would evaporate. Many of the vineyards, now in the colony, are, in point of fact, trained in the same way as in Madeira, and by the wise and judicious regulations of the Governor, and the encouragement he has given generally to the trade, the wine growers have been for some time adopting a very different mode of proceeding, by being more nice in their selection of fruits, by keeping the ripe from the unripe, the several different sorts distinct, and by the disuse of so much sulphur, which for a long time gives the wine both an unpleasant smell and taste. But this unpleasantness soon goes off. The main article, however, for the present, they are still deficient in, viz. their brandies. A very small quantity of good brandy, made from the lees of the same wine, would at once supersede the necessity of so much sulphur, and the wines would be fit for use at a much earlier period.

In making their brandies, however, they are now becoming something wiser than before. The old mode was, of making their brandies, which were never intended for sale, not from the lees or sediment of the wine, which they constantly threw away as useless and good for nothing; but from the pressed skins and stalks of the fruit after the juice had been expressed, thrown, in most cases, without any other preparation than a quantity of water,

directly into the still, which is always erected close to the wine press, with a run of water ; and the process of distillation is frequently left to one poor old slave, who supplies the fire to the still, and cools the worm of it by pouring water on it.

The spirit produced by this slovenly sort of process, is a very hot, fiery spirit, and is very unpalatable, for the stalks being frequently pressed and thrown into the still, give it a very sour and disagreeable taste ; and as the mode of rectifying spirits was not till very lately known, and not even now generally adopted, Cape brandy has been always in low estimation, and generally thought, in its raw and impure state, to be not only unwholesome but absolutely pernicious.

The different sorts of wine are becoming numerous, and with proper encouragement from home, which it has, indeed, lately received in one instance, in a most eminent degree, by the late reduction of the import duties, I am firmly persuaded, the wines of the colony would become a most important article, well worth the attention of the British government and people, more particularly, as it is by no means impossible that the British nation, in a course of time and change of circumstances, may be in a hostile state with those countries from which we have hitherto had most if not all of our wines.

The merchants at the Cape and the wine farmers reckon five different sorts of wine, namely Steen or Stein, Cape Madeira, Port, Pontac, and Constantia, the three first, however, of these would best suit the English palate, generally, as being dry wine, the two last being only a rich luscious wine, and to be considered rather as cordials and liqueurs than wine. Indeed, those wines might almost as well be made in England, as in the Cape, the grapes having almost become raisins, before the wine is produced, and this accounts for the expensiveness of those wines.

The Steen or Stein wine, and the Cape Madeira, with a very little good management, a proper degree of fining, and length of keeping, would surpass the Sherry and Madeira, or by far the greater part of the wine drank in England under those names, even by tolerably good judges. I have tasted these wines at the houses of British merchants at the Cape, and even in Africane houses in a state of great perfection.

The port wine is but very lately introduced, and not yet arrived at full perfection. At present it much resembles the wine called Mattaro, or Spanish black strap, as vulgarly called ; but it is a wine that will improve by age, and I doubt not, from the specimens I have seen and tasted, will in

time be, with proper management, no way inferior to the wine of Oporto. *the. 2d. 1811.*

There has lately been an affectation of Claret and some other wines, but, notwithstanding Mr. Sterne's joke of transplanting the grape of Burgundy to the Cape of Good Hope, neither the grape of the one nor the other, thrive in the same degree with the other grapes at the Cape. And the three first-mentioned wines, are for the present, at least, the only ones that would generally be agreeable to the English palate. With respect to that circumstance, I am ready to admit, that the wine is not generally relished by Europeans at first going out to the Cape, but it soon grows familiar; and after a little time a decided preference is given to Cape Madeira, when really good, to the real or supposed wine of that Island, drank at an enormous expense in every quarter of the globe.

There are certain peculiarities also in Cape wine, the most prominent of which is, that it will never sour, and will bear any climate, and is affected by neither heat nor cold. It never turns sour on the stomach; nor is there any acidity in it, even when unprotected by brandy. And to some constitutions, and most wine drinkers, it must be a most consoling and comfortable reflection, that in

drinking this wine, the heart is comforted, while neither head nor constitution suffer.

It is impossible to say too much for the very kind and most generous intentions of the late Governor, Sir John Cradock, in his exertions for the encouragement of the colony generally, but more particularly in the point in question. The bounties and rewards he so generously and princely offered, have had the happiest effects, while his regulations, if properly attended to, will afford it every aid and facility.

It has been suggested, as an objection to the Governor's scheme, that a maximum has not been established for the sale of wines of an inferior sort; and the argument is, that if rewards are only to be given for the best quality of wine made, that, of necessity, wine will so increase in the price, that the grower, gaining as much by a small quantity of the superior as by ten times the quantity of wine of an inferior quality, will, from his natural indolence and laziness, be content with the profit of the wine of superior quality, if that profit be only commensurate with his present profit on all the whole quantity of either description he at present grows.

Questions have been made as to the probable produce of the wines of the Cape. But to an observer of the country the answer is clear and

obvious. If the little island of Madeira produces, as is said, 20,000 hogsheads for exportation, from the vast extent of the colony of the Cape, and the immense size of the vineyards, compared with those of Madeira, ten, or even twenty times that quantity could be made, and perhaps infinitely more.

Besides the lands already in cultivation of the vine, between the mountains are immense tracts of lands, very convertible to vineyard ; and, although the vine is not, as before observed, indigenous, yet, in very many places, the soil is so peculiarly friendly, that, in the neighbourhood of vineyards, thousands of seedling vines may be taken up and transplanted, which, in two or three years, would produce fruit ; and I believe it is very generally admitted that fruit produced from seed, with proper grafting and cultivation, is far superior to the fruit of vines raised in the ordinary way, from cuttings ; the latter, however, being the more expeditious mode, is most generally adopted. In the immediate vicinity of Wynneburgh, about nine miles only distant from Cape Town, is a large tract of land on the side of Constantia, very convertible to vineyard, where vines from seeds are to be found in all directions. But it is more in the interior of the colony that we are to look for good wines, such as the District of

Drakenstein and other parts, about sixty miles above Cape Town, which is generally denominated part of the fruit country, the wine growers attributing more to the soil than the climate, as to the goodness of the wine. I cannot, however, omit mentioning the vineyard of Mr. Becker, near Constantia, which is planted with the vines that gentleman carried with him from the banks of the Rhine. It is unlike the vineyards of the colony, being nailed on espaliers of bamboo to a considerable height. Some small quantity of wine has already been made from it; but the proprietor, anxious for the credit and reputation of his wine, feels disinclined to sell any of it till it has arrived at a certain age, when he can speak with certainty as to the success of his vineyard, and the goodness of his wine. Without calculating on the effect of age on this wine, it is impossible not to do present justice to it, by pronouncing it, as it really is, delicious.

In addition to the great encouragement held out by Sir John Cradock, in the way of premiums, he has afforded still greater facility to the measure, by the appointment of officers for the purpose of guaging and tasting the wines, and the most salutary effects have already been experienced from it. Even the Africanes themselves (not the most pliant and accommodating people in the world,)

admit the propriety and justice of the Governor's measures, and readily come into them.

As connected with the subject of wines, it may not be out of place to speak of brandies.

With very little pains and expense, but with proper attention, brandy of a very good quality might easily be made in the colony, there being every requisite on the spot for the purpose; and I am well informed, that a spirit much resembling Irish whiskey, might be made from a fruit which grows quite through the colony, without the smallest care and cultivation, in the greatest abundance, and in the highest perfection in the world, but which falls, neglected and unregarded, to the ground, as of no worth or value, and incapable of being put to any use. I mean the quince. And yet, although experiments have been made, and found to answer well, such is the apathy and dull indifference of the boors and farmers, that they cannot be prevailed upon to make use of this fruit in any way whatever. They say it is too much trouble. Certain it is, there is a great want of useful labour in every part of the colony, and many different schemes have been thought of to remedy that want, either as before observed, by the introduction of Chinese labourers, as at St. Helena, or in some other way, to increase the population.

*Has been added  
the Empire is now in full flower  
the 21st and 22nd of April 1819*

It may, perhaps, be a mischief that will cure of itself, by the encouragement given by the mother country. A few English settlers, men of spirit and enterprize, turning their minds to these subjects, with due exertion, would, probably, succeed to admiration in a scheme of this kind. Materials for the purpose, of every kind, are easily had, and excepting the single article, that of labour, at the most comparatively trifling expense.

### *Dried Fruits.*

The fruits of the Cape, such as grapes and figs, would dry equally well as in any other country. The former, however, are only attended to, and those rather with a view to home consumption. The quantity, however, might be increased to any given extent. A singular method prevails with the settlers in the interior of drying apples, peaches, apricots, &c. by cutting them, when nearly ripe, into thin slices, and drying them, on boards in the sun. They will keep in this way for a very considerable length of time, and when used for any culinary purpose, by being first infused in warm water, they have a freshness of taste nearly equal to such fruit when fresh gathered. They have no candy upon them, and

*The  
English  
are going to  
do this in the  
will effect  
151*

the operation of slicing the fruit is little more than amusement to children of three years old.

Another method they have of preserving their fruits by salt, which, though useful, is not so palateable.

#### *Whale Fishery.*

The next great article of colonial trade, would be Oil, Whalebone, &c. from the Whale Fishery. These Fisheries, as before observed, are now only in their infancy in the colony, and without great encouragement and assistance, they cannot be supposed capable of great extension.

The scarcity of manual labour, and a want of capital, are the two grand obstacles to be surmounted in this branch of commerce, perhaps the first is the greatest. The nature of the employ requiring men of courage, strength, and activity, very few characters of this description can be expected to be found in such a place as the Cape, certainly not among any of the natives, the Hottentots, who cannot be persuaded even to touch the water, and very few indeed among the blacks or people of colour. Whales are said to be in abundance in all the Bays of Southern Africa, and are often taken even in Table Bay and Simons Bay, of immense size. They are seen in great numbers only a few leagues at sea, and are taken with compara-

tively trifling difficulty. The profit is very considerable, but nothing what it might be with sufficient assistance. Not in this particular instance only, but in every business at the Cape ; the want of manual labour is the grand obstacle. Want of capital too, is another. But neither the one nor the other seem to be insurmountable.\*

With the encouragement of bounties, the whole South Whale Fishery would centre at the Cape, and this surely would be a consideration of the first importance.

At the present moment the Whale Fishery of the Cape being in the hands of only two or three people, quite unassisted and uncheered with the prospects of bounties, is scarce worth noticing, except, for the purpose of shewing that at a future period, with proper assistance and encouragement, it may be made to be, not only extremely productive, but a valuable branch of colonial trade.

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\* The Whale Fishery besides the want of manual labour and capital, labours under the disadvantage of having no safe or secure Harbour or Docks for the repairs of shipping or boats. And for want of sufficient space at Cape Town and Fish Hook Bay, there is not all the advantage that might otherwise be made. To all these disadvantages must be added the want of shipping to transport their oil to Europe, and casks to freight it in. But these are all defects for which a remedy may be found, and the Whale Fishery of the Cape become extremely important to this country.

*Hides and Skins.*

Another very valuable article of commerce here presents itself, particularly during the present extravagant price of leather in this country.

Hitherto the Africanes have considered the hides of animals of domestic kinds, oxen and sheep, of very inconsiderable value, more particularly the latter. The Hottentots, indeed, make a sort of clothing of them, by dressing them in a mode peculiar to themselves, and sewing half a dozen together, form a dress called the Kraas. But the Africane Boors make little or no use of these skins, being ignorant of their use as parchment or for glue, and not thinking them of any value as leather, knowing as little of the mode of preparing them as leather.

With respect to the hides, one very principal material till very lately was supposed to be wanting, I mean that of bark for tan; but it has lately been ascertained that the bark or rhind of the Protea or Witteboom, which grows universally through the colony, is of a quality, at least in that climate, equal to Oak bark in England.

In the interior, the method of preserving hides by salting is now becoming much in use; and the immense quantity of natural salts from the lakes and salt rivers must contribute very much,

with proper attention, to the success of this scheme ; and hides or skins in this state are well known to be of easiest exportation.

This branch of commerce would employ an immense number of hands, but have never been brought to any perfection or consequence, for the want of them and for other reasons.

The interior of the Cape abounds in horned cattle, and the ox is as large as in any part of the world, besides those used for draught, the consumption of them for meat is very considerable. The skins of Antelopes, Spring Bocks, Leopards, and a vast variety of wild animals, might be had in the greatest abundance, and applicable to very many purposes.

With sufficient encouragement to the Hottentots, who are all excellent marksmen, with whatever weapon, a very abundant supply of these skins would be soon brought to market.

The skins of Sheep and Goats might likewise be turned to much advantage ; but the natives and settlers having no manufactures of any kind among themselves, and being too poor to purchase European or other clothing, they make use of them for that purpose, after undergoing a very rude sort of dressing.

The sheep of Southern Africa are never shorn, and the wool rather resembles hair than wool.

Indeed, the two animals are become so mixed in their breed, that it will soon become difficult to separate them. Sheep and Goats are indiscriminately eaten as mutton, not only in the interior, but even in Cape Town.

Sheep and Goat skins are likewise used for every purpose, where cordage is necessary, as they have a very scanty supply of that article and no other succedaneum for it. They likewise use the skins as harness for their horses and cattle, and for sides and coverings of their waggons.

Cordage and coarse cloth would, however, answer their purpose much better, and the skins turned to a much greater advantage.

The horns and hoofs of oxen and sheep are still supposed to be of neither use nor value, and the outskirts of Cape Town on every side, where they are thrown, are so incommoded with them, as to be quite a nuisance. The entrails of animals, were, until the arrival of the English, disposed of in the same way, and never thought to be used as an article of food or provision.

Since Mr. Barrow's publication, all export duties have been taken off at the Cape. He speaks of a duty of  $3\frac{1}{2}$ d. a piece for hides, and reckons the quantity annually exported, not to exceed 2000 or 3000; but I apprehend he must either have mistaken the quantity, or the country must have most

materially changed since that time, as the slaughter of horned cattle even in Cape Town must exceed that number in a tenfold proportion.

But it is to the interior of the country we are to look for the principal supply.

*Ostrich Feathers.*

No country is supposed to produce more of these very extraordinary and valuable birds, or rather animals, in as much as they partake of both, as Southern Africa.

They have, however, been considered as valuable only for their feathers and their eggs. Of late years there has been a very considerable destruction of them, and the Boors, greedily robbing the nests for the sake of immediate profit, have contributed very largely to their destruction. But the breed, I am happy in saying, is once more in a state of protection and preservation, the land-hrosts of the several districts having had orders for that purpose, and the British army being forbidden to destroy them. In a short time, therefore, Ostrich feathers may be no inconsiderable object of export.

*Elephants' Teeth, and the Hippopotamus or Sea Cow's Skins.*

To the list of exports that may be made from

the colony may be reckoned ivory, as elephants, in the interior, are known to be more numerous than in any other part of the world.

They are in the most wild, fierce, and savage state imaginable, and hitherto have ranged fearless through the deserts, neither Hottentots, Africans, nor Blacks, daring to attack them; and they have been made more savage by having, at times, been shot at by the soldiery. Few parts, if any, of their bodies are vulnerable, and it requires an expert marksman to hit them in that which is vulnerable. Some sharp-shooters, on fleet horses, might, however, do much execution among a herd, and if the number occasionally taken should be but few, the prize, if secured, would be highly valuable. And as elephants are found near the sea coast, and on the sides of rivers, the teeth may easily be conveyed by water carriage.

Hence another important branch of trade may be found at the Cape. To which, perhaps, may be added, the hippopotamus, or sea cow, of which both the flesh or meat, and skin or hide, are equally valuable; the first, when properly cured, affording a provision excessively similar to pickled pork, and said to be a very wholesome food, and the skin or hide, which is of the most uncommon thickness and substance, may be of

infinite use for many purposes. It is of such substance as to bear the carpenter's plane, and shaves like deal wood. At present, however, I believe, it is only used for whips, which are called chambocks.

These animals are in great numbers, and very easily taken, as they are perfectly harmless and inoffensive.

### *Medicinal Herbs and Plants.*

It has been often asserted, and perhaps with much truth, that no country has a greater variety of vegetable productions than Southern Africa, and more particularly of medicinal herbs and plants.

Comparatively a very few of them are known to be of that sovereign use as experienced by the natives; the most plain and simple applications, in a variety of cases, not only of wounds and bruises, but in chronic complaints, have been known to produce the most astonishing effects.

The aloe is well known in medicine. Perhaps in no country whatever, even in the island of Socotora, famed of old for the growth of this plant, does it grow with the exuberance that it does at the Cape. And yet such is the supineness of the Africanas, that they will rather be at the expense of purchasing this article from

Europe, than be at the trouble of extracting and preparing it themselves. Not only would the medicine itself be of importance as an article of export, but it has been considered that the plant may be made of still further use, by a manufacture of paper, for which it is said to be well-adapted.

Two other articles deserve particular notice, the bucho,\* a small herb, resembling our rue, a most powerful astringent, and the kamasse,\* a sort of bark, being the rhind or shavings of the tree of that name.

The cures performed by these two medicines, originally known only to the Hottentots, are really wonderful. The plant called the ducha,\* used very much instead of tobacco, but is nothing more or less than the common hemp, is indigenous in the colony, as is also mustard, and of a very superior strength and flavour.

The whole of these herbs and plants, with proper cultivation and management, may be

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\*\*\* These are not the Linnean names, but terms given the plants either by the Hottentots or the settlers.

The hot baths in different parts of the colony have been found wonderfully salubrious. They much resemble the baths in Somersetshire, but considerably more powerful.

so much increased and produced, as to form a very considerable branch of export trade from the Cape, and would employ a great deal of useful labour.

*Hemp and Flax.*

Both hemp and flax might likewise be grown and manufactured to great advantage in the colony. The former is indigenous, as I have before said, and used by the Hottentots as tobacco, but will be much better employed in making cordage, an article the colony is so much distressed for, that the hides of oxen are very frequently cut into long shreds, for the purpose of tying up packages. The manufacture of these two articles would likewise employ much useful labour, and thousands of children of slaves now totally idle, might be employed in picking and spinning, their only occupation at present being, in the vineyard season, in picking and turning fruit, and the rest of the year playing about or lying like pigs in their masters' yards.

*Defect of useful Labour may be supplied by Convicts from this Country.*

Besides the articles of produce of the colony of the Cape, which, with sufficient labour, might be

increased to any extent, there is no situation in which the labour of convicts from this country could be more usefully employed than at the Cape. The want of labour there has always been a constant complaint, and various schemes have been thought of to remedy it; the principal one was, that of introducing Chinese people in the same way as at the island of St. Helena; but the experiment was never made. To employ our own people, however, should seem more desirable, and I am convinced they would answer the purpose much better. Convicts, to almost any amount, might be most profitably employed, not only on public works, such as buildings, roads, &c. but in the cultivation of lands, in the wine trade, and in the whale fisheries; and many of them as menial or domestic servants, of which there now is, and for some years has been, such a want, that I have known many families who, from being unable to pay the hire of slaves, have been obliged to be literally their own servants. Africane slaves are not unfrequently let out to hire from ten to twenty and even thirty dollars per month, and, after all, make very unpleasant servants.

In a country where almost all labour is performed by slaves, convicts would feel their condition more tolerant, and enjoying a climate so nearly like their own, would be perfectly equal to

any labour, and would perform double the quantity to that of the slaves and Hottentots in their present state, and which, in my humble conception, cannot be much improved. A very great saving of expense might, perhaps, be made to this country, at least for a time, by the adoption of this scheme. Nearly half the voyage would be saved by stopping short at the Cape, instead of Port Jackson, and a speedy return of produce be made in the same shipping. That the Cape may be sufficient to continue to receive all the convicts in a course of being sent from this country, may be too much to say; but it would be well to employ useful labour in our own colony, where it is so much wanted, rather than send those useful hands, at so considerable expense, where there is comparatively no return for such labour to the mother country.

The measure may be well worth serious consideration, more especially in the event of a total abolition of the slave trade.

As to the disposal of the convicts, a scheme similar to that adopted at this moment with prize slaves, seems obvious and practicable. It may, indeed, be objected, that having expended so much money in New Holland, if it does not continue to have the annual supply of convicts, the whole of that expense would be thrown away; but that

would not be the case. It has been said, that they have already a sufficient number for any purpose they may want: and if it be true, as has been asserted, that coals are found in that country, a very considerable branch of trade may be opened between it and the Cape by the use of convicts.

The introduction of coals to the Cape, would be the most agreeable thing possible, as well for fuel in the rainy seasons, as for the purpose of making and sharpening every implement of iron. So great is the present want of every thing of this kind, that the very wood used for fuel is first burnt before it can be brought into Cape Town, for want of tools to cut it. The price of smith's work is, on this account, most enormous, and horses are only shod on their fore feet. But if iron ore is to be found, as has been asserted, in great abundance in almost every part of southern Africa, and of the best quality, the article of coals would be valuable in the highest degree.

There are probably many more considerations than what I have enumerated, to make the colony of the Cape of Good Hope of importance, as a colony, independent of the very many advantages it is confessed to possess as a military station, as a seasoning place for troops going to a hotter climate, as a place of resting and refreshment on a voyage

to and from India, and as the key to our territorial possessions in India.

It was said, that while England held the Cape, the trade of every other nation to India and China might be considered at her mercy. This, however, can only be true, provided a very large naval force be kept up there for the very purpose of annoying or interrupting the commercial concerns of other nations.

*Further encouragement necessary to be afforded to the Colony.*

*Further encouragement necessary to be afforded to the Colony.*

To maintain and increase the importance of the colony of the Cape, as a colony, every encouragement ought to be given to it by this country: it would be well bestowed, and amply repaid.

How far the utter abolition of the slave trade may be a matter of policy, will not be for me to decide; but the proposed measure of the introduction of convicts from this country, may tend to facilitate the idea.

One of the greatest boons that could have been granted by this country to the Cape, has already been conferred by the generous resolution of the British Parliament, to reduce the duties on Cape wines: the benefit to the colony will be incalculable.

lable. There are, however, many other ways by which encouragement may be given to the colony without injury to ourselves. As it is extremely probable, in the event of so truly unexpected and so universal a peace, that the emigration from this country must be very considerable, and the Cape holds out encouragement for settlers, no small number may be induced to try it; and as the Cape would be every day becoming more and more an English colony, nothing could be more agreeable to the colonists, than the complete suppression of the laws \* now in existence in the colony, and the introduction of the English laws, and trials by jury. The revenues of the colony would be perfectly adequate to the payment of judges' salaries, and other attendant expenses. The measure would not only be highly gratifying to British settlers, but I know it to be a measure that even the old Africane settlers have very long indulged a secret wish for, although afraid to express their opinions on the subject in Cape Town.

The introduction of the English laws would tend to the introduction of English money in lieu

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\* How wretched in theory, and how miserable in practice and execution, we have before observed.

of their present vile paper currency, which would unavoidably reduce the rate of exchange.

Another great encouragement would be, taking off all export duties on articles going to the Cape, which, while it would be assisting the colony, would, at the same time, be assisting our manufactures at home. Such articles as woollens, linens, and silks, of British manufacture, would find the readiest sale, as also stationery and cutlery of every kind, pipe staves, and boots and shoes.

It has been thought, that the East India Company might give great comfort and assistance, by establishing a limited market for the sale of eastern luxuries, which might well be done without prejudice to their general trade, and the quickest vent would immediately be found for them.

Perhaps the greatest encouragement that could be given the Cape would be, the granting of lands to British settlers: and when so immense a number of people as must necessarily be out of employ by the reduction of the army and navy, it should seem fortunate so new and extensive a field should present itself: and if the scheme of the introduction of convicts should be adopted, British settlers would be at least on a footing with the Africane settlers, which, for want of useful labour, they never have been. The growth of corn, as well as

of every other production, would, by this means, be infinitely increased, not only for consumption, but for exportation.

The grand article of wine may be carried to any extent, and both East as well as West Indies, and the whole of America supplied with it; and from America the best return possible would be made in the article of timber, almost the only thing the Cape is actually in want of.\*

The whale fisheries would become of real consequence and importance; and this, perhaps, may be the season of effecting that, which those best acquainted with the colony have always considered as a circumstance of the very highest import, although of late years very little talked of, or even thought of, and that is, of removing the head-quarters or capital of the Cape from its present situation in Table Bay to Saldanha Bay.

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\* It is too well known, that all the pains and expense lately bestowed in ascertaining the real value of Cape timber, have only gone to ascertain the fact, that the country really does not afford any timber of real value; it is mostly of a perishable and warping nature, and unfit for building, although it may be useful in a small way for furniture, as the variety of veins in the timber form pleasing contrasts.

*It is now agreed  
that a colony should be established  
at Saldanha Bay*

## SALDANHA BAY.

THE Cape of Good Hope we well know to have been originally discovered by the Portuguese, who, after having made, as they conceived, a very sufficient trial of it, abandoned it, and gave it a name very different from the first they gave it, which was probably early in their spring. It does not appear, however, that the Portuguese ever penetrated far into the interior, they merely confined themselves to the peninsular forming the precise Cape ; and the harbours or bays not affording the comfort and shelter they expected, almost immediately gave up the point. They were ignorant altogether of Saldanha Bay ; and the Dutch settlers, who succeeded the Portuguese, finding good water, with the few buildings and some little comforts left by them, indolently sat down content with what they found ; and, being a maritime people, engaged themselves in fishing.—The French emigrants, having no ideas of that sort, emigrated up the interior of the country, where they have ever since continued in a rural life.

To the extreme indolence and apathy of the Dutch settlers, and to that alone, can be attributed either their ignorance of, or their overlooking the very many advantages Saldanha Bay presents in preference to the two great bays of the peninsula. Every seaman who has navigated those bays, and sought protection in them for anchorage, has the same opinion of them, and all have most cordially united in condemning them.—While, on the other hand, no man who has seen or known the Bay of Saldanha, and knows how to appreciate it, but must readily acknowledge, that it not only possesses advantages that neither of the other harbours do, but that it really does afford the greatest possible comfort and security for shipping, with the greatest facility at every season, and with every kind of ships, of any burden, coming in and out—an advantage how truly important! To the safety and security of the harbour, may be added the space and capaciousness of it, there being a very considerable extent up the country in which ships would ride completely land-locked. The mouth of the bay is also extremely well defended by nature, and may be made wonderfully secure against an attack from an enemy. The anchorage in every part is said to be very good.

Advantages such as these ought not to b:

overlooked, in the choice of a harbour, in any country.

A popular opinion, or rather assertion, has, however, prevailed to the prejudice of Saldanha bay, which is the supposed want of water in its immediate vicinity.

In order to obviate this difficulty, many different schemes have been proposed, some of which have been thought feasible enough; but many springs of good water have lately been discovered very near the coasts of the bay, which, it is thought, will exclude the necessity of the adoption of any of them, although, to put a matter of so much consequence on an absolute certainty, it might be as well to avail ourselves of this adventitious aid. The experiments hitherto made of digging wells, prove nothing on the subject, as they are considered to have been made very injudiciously; and springs having lately been discovered of very good water, no room is now left to dread an *Inopia Aquarum*.

This, the first and greatest of all difficulties, being surmounted, the country in the vicinity of the bay is infinitely better adapted for the purpose of residence than the spot now chosen for the capital. It is subject to none of the inconveniences of the climate of Cape Town, and

has the superior advantage of being central in the colony: Saldanha lying in latitude  $33^{\circ} 7$ , seventy miles to the northward of Cape Town, and the point, properly so called the Cape of Good Hope, and the opposite point called Cape False lying in  $34^{\circ} 29$ .

From the locality of this situation, one very principal benefit would be, the ready supply of provisions, which, at Cape Town, must necessarily be drawn from a very considerable distance; and cattle of all kinds coming heated into a market from a long journey, cannot afford either a wholesome or agreeable provision.

The country immediately round Saldanha is sandy and covered with bushes or brush wood, which, without much difficulty, may be cleared; and three very essential requisites for building are to be found on the spot, namely, stone, sand, and sea shell, which latter article, with the assistance of the brush wood, burns to the strongest lime. The principal material wanting would be timber, which would of course be brought by sea.\*

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\* Both bricks and tiles of the most excellent sorts have recently been made not far from Cape Town, by an Englishman, under the patronage of the late governor, which may be easily conveyed by sea to Saldanha, and would wonderfully facilitate building. But it is not improbable the same sort of clay may be found in its own immediate neighbourhood.

So centrical a situation as Saldanha presents, accompanied by the most important advantage of the excellent bay and harbour, it seems very extraordinary it should have been overlooked, or at least so very little attended to. Perhaps it may have been preserved for the present moment, and open a new field for fresh settlers. It is certainly of all others the situation most proper for the site of the capital of the colony. The seat of government may easily be removed from Cape Town. The trade would most naturally follow it. Both Cape Town and Simon's Town might still be continued as military stations. And the old settlers of the Africane, wedded by long residence to the place, might still continue to enjoy it without interruption.

Saldanha, in the mean time, from possessing its present local advantages, being made the seat of government and the emporium of trade, would rise into eminence and consideration.

Merchants from all other countries would be tempted to bring their merchandize to a country enjoying a good climate, safe and secure harbours, an open market, and certainty of a return of articles of the several kinds I have before described.

While enumerating the advantages of Saldanha, over Table Bay, we cannot sufficiently

admire the two points of security and facility of the former, when we know that there are only six months in the year, in which ships ever venture into Table Bay ; and, during the winter season, the admiral on the station, and the men of war, constantly go round to False Bay, and take shelter in Simon's Bay. The number of vessels said to have been lost in Table Bay, is almost incredible. I myself saw two ships, that, in the same night, broke from their anchors, run aground, and were totally lost, and when the weather was not very tempestuous. To these very essential points of security and facility, must be added the infinite advantage that would arise to trade, by having docks for the repair of shipping. There has never yet been any thing like a dock in any part of the colony : and ships, after having been on the Cape station for some time, have always been obliged to return to England to refit. But docks of any size may be well-constructed in Saldanha Bay for every purpose. Such an advantage, while it is obvious, is yet incalculable. Ships might not only be repaired, but even built at this place. And ships of all nations would most readily come in for the purpose.

Other advantages and other inducements may possibly be expected for changing the seat of go-

vernment, and the metropolis of the Cape, to Saldanha. There is something so extremely discordant in the mind and natures of Britons and the Africanes, that they can never be brought to coalesce. Had it been possible to have humanized them, under the government of the late governor, it must have been effected. But the suavity and urbanity of his manners were lost upon them. His hospitality and generosity were an example that produced no followers; and the wisdom and prudence of his measures, particularly when at all interfering in point of interest, gave disgust and offence. The Africanes affected to shew much outward deference and respect for the person of the governor, but inwardly hating him, as a Briton. *Alas!*

A separation, therefore, from people of such a character, cannot but be a desirable object; and in no easier way obtained, than by the removal of the seat of government, and the metropolis of the Cape, to Saldanha.

The adoption of this measure presents a very full field for exertion. In this undertaking any given quantity of useful labour would be well employed, and mechanics and artisans, of every possible description, here find the fullest employment and encouragement.

Making the safe and comfortable harbour of

Saldanha would shorten the voyage, and instantly afford the asylum that Table Bay and Simon's Bay but too often refuse; and the establishment of regular packets from Great Britain, ensuring a certain passage, on moderate terms, would be a measure most highly agreeable. At present, nothing is more difficult than to obtain a passage out to, or home from the Cape. The expense either way is more than 100 guineas. Even officers in the army, coming home, or going out, to join their regiments at the Cape, have been frequently obliged to pay so large a sum, while, at the same time, their allowance from government has not been one third of the sum. With proper management, however, and under proper regulations, passages to and from the Cape might be well afforded at about one half the money, leaving, after all expenses paid, a very fair profit to the owner of the packets.

By the establishment of regular packets for the conveyance of correspondence as well as passengers, while it facilitated the intercourse of the two countries, an increase of the post office revenue would be a necessary consequence.

As a still further inducement to the removal of the capital from Cape Town to Saldanha Bay, it is not to be forgotten, that very large tracts of land, in the immediate vicinity, are capable of

being brought into immediate cultivation, either as garden ground, vineyard, or corn land.

Reckoning, therefore, every advantage Saldanha possesses in so eminent a degree, it cannot but be matter of wonder and surprize, at first sight, that it should, in the first instance, be overlooked ; and, when known to possess all the advantages it does, that it should still be neglected ; but this can only be accounted for, from the indolence and supineness of the present settlers, from a want of spirit, and from a want of capital, to carry such a scheme into effect.

Saldanha, once established as the capital, possessing all the advantages it already does from nature, and the encouragement and assistance proposed to be given to it by this country, while it would open a new market for British manufactures, not only for colonial consumption, but the supply of other countries, would offer invitation to thousands, who, by the sudden and unexpected return of peace, will want employment.

From a considerable length of residence at the Cape, I was enabled to make the observations I have just ventured humbly to state, and I can with safety aver, I have asserted nothing but truth, and what is founded in fact. I have spoken as I found, and of the Africane I may say, nothing have I extenuated, or set down aught in malice.

I feel a firm conviction of the point I held out, that in contradiction to an authority of much weight, I have affirmed, that the Cape may be of importance to this country as a colony, independent of its other relations. I should readily bow obedience to that authority, which, however, I trust I may be allowed to say, without the smallest offence, may be considerably lessened, by length of time and change of circumstances. The opinion of the writer may, possibly, have as much altered since he wrote.

The peculiar circumstance of the times, added to others, invited me thus to obtrude such thoughts as have occurred to me on the occasion. Without doubt, a subject of such importance will call forth enquiry, and will have all the consideration it so well merits. Certain it is, that increase of production, and increase of population, will necessarily lead to an increase of revenue, and probably many more articles than what I have enumerated may be made largely to contribute to the present revenue of the colony of the Cape.

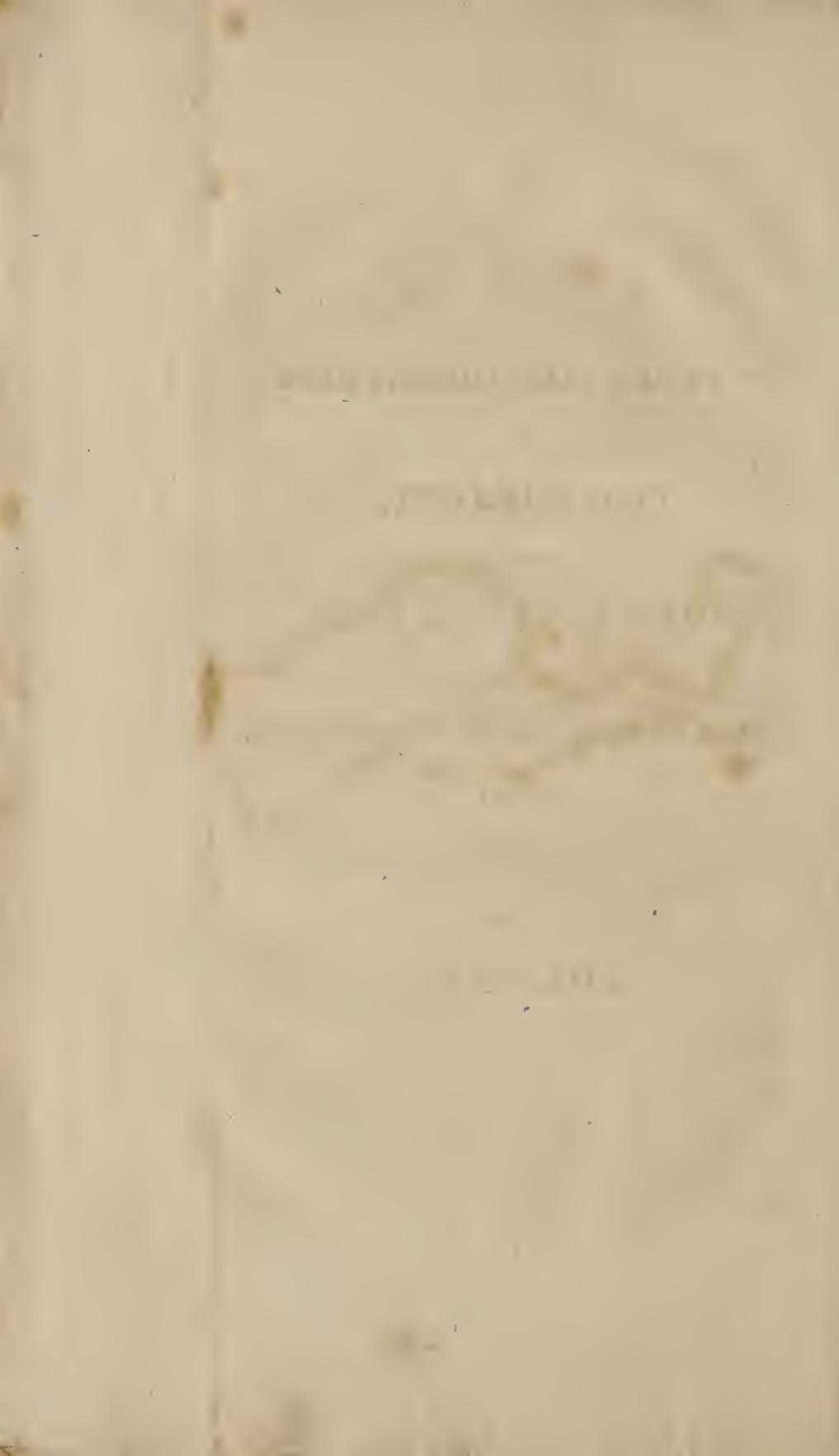
I cannot conclude without expressing my most sanguine hopes, that the British government will never again be inclined to see the Cape in such a point of view, as ever to induce them to part with the possession of it to any power whatsoever, convinced, as I so well am, in my own

mind, that, independently of the advantages to be expected from it, in the various relations of it before stated, it certainly does possess very many advantages that may make it of very considerable importance to this country as a mere colony.

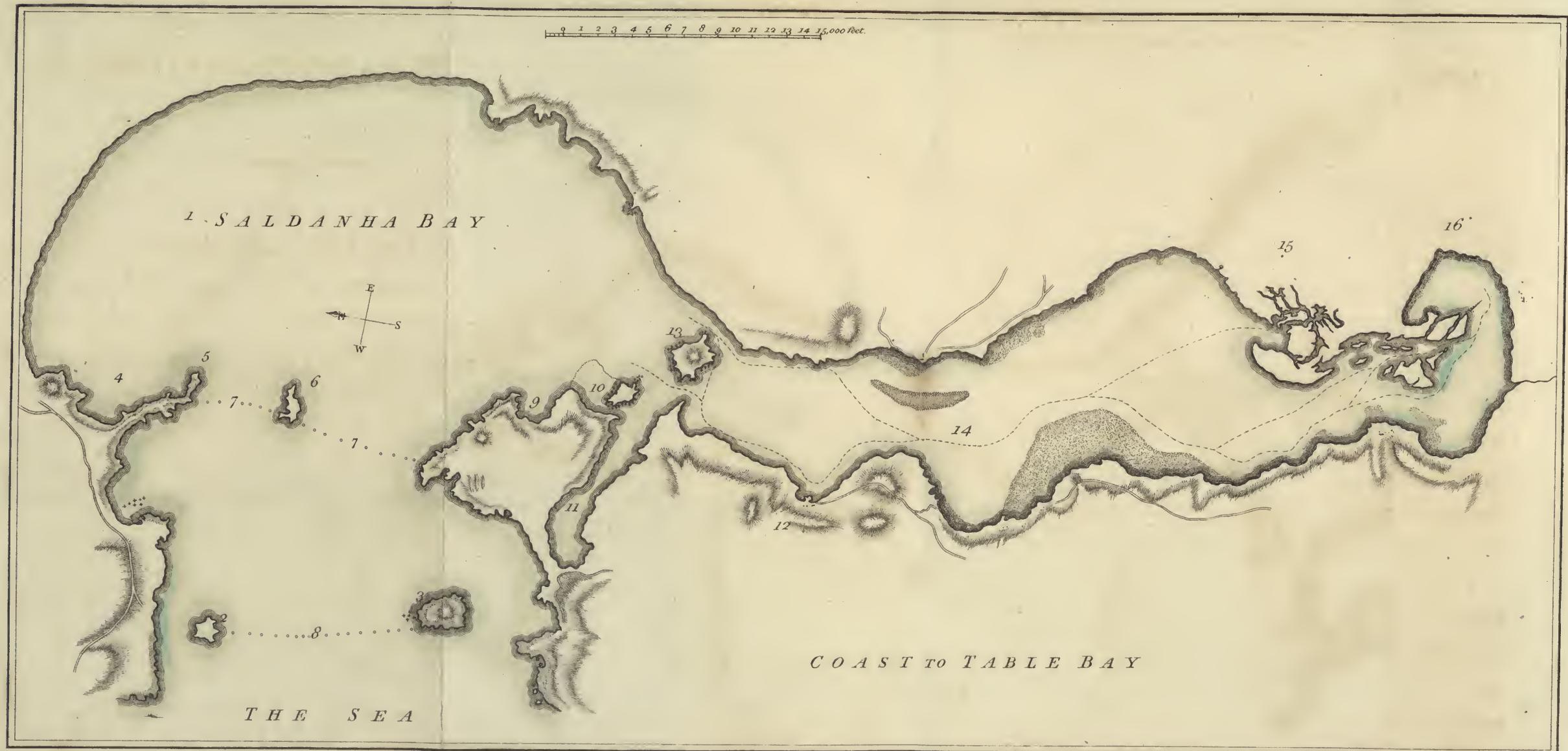
Whether the Cape of Good Hope should or should not be declared a free port, as was proposed at the treaty of Amiens, is still another and very important question. The effect it would have on the colony cannot be doubted, although there may be many other considerations, as to the policy. But this is a point not now necessary to be decided.



FURTHER CONSIDERATIONS  
OF  
**THE SUBJECT,**  
AND  
MORE PARTICULARLY  
WITH RESPECT TO A  
CHANGE OF THE LAWS AND CONSTITUTION,  
AND THE  
SUPPLY OF USEFUL LABOUR  
IN THE  
**COLONY.**







## FURTHER CONSIDERATIONS, &c.

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I HAVE so long been persuaded of the importance of the colony of the Cape of Good Hope, that I could not refrain from stating my reasons for that persuasion ; and it is the result of information gained from facts and circumstances within my own knowledge. Now, then, as it is determined to be an English colony, and doubly our own, by conquest and by purchase, I feel justified in the assertions I have made.

I had presumed to flatter myself, I had awokened a general attention, and excited a general interest in the subject. But I could have no doubt whatever, but that the powerful representations made by the late most excellent and worthy governor Sir John Cradock, must have had the effect of inducing the Government of Great Britain to take into their most serious consideration so truly important a matter. No steps, however, appearing to have been taken, it may not be improper or unreasonable to state

more particularly, good and cogent reasons for the apparently obvious and absolute necessity of an immediate and total change in the existing laws and constitution of that colony.

On what possible ground of policy the present laws and constitution of the Cape are permitted to remain for one moment, it is really very difficult to say. But it will not be so difficult to assign very sufficient and cogent reasons for their abolition.

It may, perhaps, have been allowed for excuse, that the unsettled state of the politics of Europe would admit of no present change, as if, in the event of the Cape's being to be delivered to its old masters the Dutch, it would have been to that nation most agreeable to have found every thing as they left it. But there has been long since time enough (particularly taking into account our possession of the Cape for such a number of years, so as to consider it as likely, ever after, for the most obvious and political reasons, to remain with Great Britain) to have done something effectually for the advantage of so important an appendage to the British crown.

Indeed, as matters now stand, there is a sort of mixture of authority, if I may be allowed such an expression, which makes it very unpleasant.

..... " My soul akes  
 To know when two authorities are up  
 Neither supreme, how soon confusion  
 May enter 'twixt the gap of both, and take  
 The one by the other."

In the foregoing sheets I have attempted to satisfy the public mind of the general importance of the colony, merely in the character and quality of a colony, divested of every other consideration or advantage. But it is not sufficient merely to look to it, as to its present importance, which, I am persuaded, will be nothing in the scale, when compared to what it would be, were it once in the full enjoyment of the civil and religious rights of the mother country, and assisted by the useful labour that may conveniently be spared from hence, and encouraged by the help of a free and uncontrouled trade. In vain, however, may the colony of the Cape of Good Hope expect improvement and extension without these two grand desiderata — a total change of laws and constitution, and an increase of useful labour. Unless, however, this country will consent to be blind and deaf to our colonial interest, the importance of the question of the improvement of the colony must be admitted to be of a magnitude not to be overseen or overlooked.

We will first endeavour to examine fairly and

candidly, what appear to be solid and substantial reasons for wishing for such a change of the laws and constitution ; and, secondly, to consider the mode of increasing useful labour and properly appreciating the same.

In order to consider the first proposition, it will be only necessary to state things as they are at present, when the wished-for change will be as obvious and apparent as the noon-day sun.

First, with respect to a change of the laws and constitution.

Notwithstanding the colony of the Cape of Good Hope has been in the hands of this country ever since the year 1806, under a sort of Dutch civil government, the civil or Roman laws have, and to this moment continue to be, the existing laws ; and not only British merchants and settlers there, but the British army and navy on that station, have long laboured under infinite hardships and difficulties, from the want of the establishment of the English laws, instead of those, under the administration of which, no man can be said to be safe or secure in his property, his liberty, or even his life.

As before observed, the Roman or Civil law is held out to be the existing law of the colony ; and the Cape having been, with some inter-

ruption, since the time of the Portuguese, considered as a complete Dutch settlement, may be a reason why that law, as being the law of the mother country, has prevailed in the colony.

Many are the objections to this law (partially allowed in this country), even where the administration of it is entrusted to men of enlightened talent and science, and of the purest and nicest honour and integrity ; it may then be tolerated ; but when the administration of this law is left, as it is at this moment at the Cape, in the hands of ignorant empirics, men of all countries, without knowledge or education, which is most indisputably the case, as few, if any of their present judges, were ever lawyers by profession, what but confusion and injustice can be expected ?

In the terms of the capitulation already mentioned, although the whole settlement of the Cape was surrendered to his Britannick Majesty, and a reservation was made of the rights and privileges, public worship, and the circulation of paper money ; yet, it must be observed, that no stipulation was made with respect to the future laws or religion of the country ; but under this expression of rights and privileges, the cunning and artifice of the Dutch settlers, have impudently affected to make British sub-

jects, as well as all others resident at the Cape, even the British army and navy, amenable to the laws then and now existing at the Cape; but the expression rights and privileges could only have intended to mean mere local rights, and applicable only to themselves.

Many of the laws, I will venture to pronounce, as they are at present enforced, are in direct and manifest opposition to the laws of England, and subversive of every principle of English liberty; but more particularly those respecting trade, and the distribution of personal property; in which latter case, contrary to the well known principle of the English law, which determines that personal property is subject to that law which governs the person of the owner,—the Dutch laws determine, shall be subject to the law of the country where the party dies.

The Africane lawyers have greedily seized on a dictum of Lord Mansfield's upwards of forty years ago, namely, "That the law and legislature of every dominion equally affects all persons, and all property within the limits thereof, and is the rule of decision for all questions which arise." But this doctrine has been completely over-ruled by a train of authorities; and more particularly in one, where Lord Loughborough expressly said, "That personal

property has no locality: that is to say, not that personal property has no visible locality, but that it is subject to that law which governs the person of the owner. With respect to the disposition of it, with respect to the transmission of it, either by succession or the act of the party, it follows the law of the person." In this case, so perfectly well known to every English lawyer, his Lordship further says, "The owner in any country may dispose of his personal property. If he dies, it is not the law of the country in which the property is, but of the law of the country of which he was a subject, that will regulate the succession." And he instances the very strong case of a foreigner, having property in the English funds, dying in England; such property is claimed according to the right of representation given by the law of his own country.

Under the present system, the effects of all persons (except military) dying in the colony, are immediately seized by order of the Dutch Government, and the relatives of the deceased are put to a most tedious process, and an enormous expence, to get restoration of such effects; and if sentence of condemnation passes in a case of non-payment of costs, the property is, to the relative, irretrievably lost and gone.

By our own admirable and wholesome laws, all restraints on marriage are deemed illegal.

The restraints on marriage by the enormous expence and delay in obtaining the permission of the Matrimonial Court, without which no one must presume to marry, without incurring a very heavy penalty, besides imprisonment, is a peculiar hardship, when applied to British subjects; but even officers in the army and navy of England are made to submit.

No person whatever, not being military or naval, can leave the colony, without obtaining a license—or even continue in the colony, without being obliged to ask for a license—nor export goods or money. Sad restraints these on trade.

To the many well known objections to the Roman or Civil law in this place, is to be added, the mode of the administration of it.

Parties litigant are, from the silence and secrecy of the courts, kept in a state of ignorance, till a cause is decided. No evidence is published, and when a cause is said to be decided, no reasons are given for the decision, but each party is saddled with an immensity of costs.

The courts, as before observed, are close shut; no oral pleadings take place; no benefit of cross-examination of witnesses; nor do the judges

pronounce any opinion, but in private with themselves.

The late most worthy Governor, Sir John Cradock, by his own authority, threw open the courts; but they are said to be again close shut. He also appointed an Englishman one of the judges. What effect this may have had, I have not ascertained.

Not among the least of objections, is the delay of justice in these courts. A cause that would be decided by the civil magistrate in this country in half an hour, has lasted upwards of two years. I can give an instance within my own knowledge. A complaint was made by an English officer, against a stable keeper, for an assault. The cause lasted two whole years, and the English officer was sentenced to pay 500 dollars and costs, without reason or cause assigned.

The Dutch judges in these courts have, as I have before observed, sought to extend their authority, and invade the province of an English jury, taking upon themselves to decide in a case of an English libel, published by an Englishman at the Cape, and where all the parties were English.\*

\* To make the thing more ridiculous, and show the sagacity of Dutch lawyers, the libel was in English poetry, and is now in print in England.

The sentence of the Court was a heavy fine and banishment, and the libeller was confined in a dungeon with dead bodies, and afterwards sent to England, where he now is. This I say upon the authority of an English officer at the Cape, who assured me of this fact, having seen it himself.

If an Englishman sues a Dutchman in these courts for debt, he is sure to be the loser ; while, on the other hand, the Dutchman or Africane is as sure to succeed. The truth of this is not to be controverted.

The administration of the Criminal Law at the Cape is, if possible, still more objectionable than the Civil.

The crime of murder of a slave or Hottentot, is never punished with death ; while, on the other hand, the most exemplary fate is sure to await the unfortunate criminal, who should barely have held up his hand either in resistance, or to ward off a blow, from his cruel master.

The murder of infants passes by unregarded. An officer, of highly respectable character, assured me, that when on guard at Rogoa Bay, he had seen the bodies of no less than thirteen infants lying exposed on the beach, and no enquiry made.

During my own stay at the Cape, three

infants were found in the same way, and without enquiry made. But it is well known that the Africanes affect to have the power of life and death over their offspring, until a certain age ; and abortions are notoriously known to be constantly effected.

The crime of incest is publicly known to exist, in many instances, at this moment ; but was never known to be punished.

The most open profligacy, and unrestrained intercourse of the sexes, every day and hour exists, not only without notice taken of it, but even women of apparent consideration, are known to live solely on the wages of the prostitution of their slaves. These are not vague, hasty, or unfounded assertions, incapable of proof. The facts are notorious to all who have lived in Cape Town.

I have already observed, that the oath of a Slave Hottentot, or person of colour, is rarely, if ever, allowed to be taken ; as against the master it is never taken ; and the measure of committing the poor witness to prison, that he might be forthcoming to give evidence on the trial, seemed as cruel and unjust, as it was absurd. The regulations, however, upon this subject, as made by Sir John Cradock, which will be found in one of his Proclamations contained in the Appendix, while, under all circumstances, they are most

salutary and wise, are as mild and indulgent as they could possibly be.

It is not to be denied that both evidence and confession have, till now, in almost every case, been extorted. The mode has hitherto been kept a profound secret, although most universally believed to be, if not actually by the torture, yet by pains little if any short of it.

Surely nothing can be more absurd than that, by the Dutch or Africane laws, no person can be executed, be the crime what it may, without confession : of this there is a whimsical instance : viz. an Irishman being concerned in and convicted of murder, with some Slaves ; the Slaves were executed, because they were made to confess, but the Irishman could not be brought to confess, and was saved.

In the criminal, as well as civil administration, the courts are kept close. No oral pleadings take place ; the accused never knows his accuser. Witnesses are not confronted, and of course no benefit of cross-examination can be had.

The evidence of white people against Slaves, Hottentots, or people of Colour, is frequently taken without oath.

The almost constant punishment for supposed offences committed by the Europeans, and more particularly British subjects, is that of fine. And that it should be a favourite sort of punish-

ment, may be easily conceived, when it is a fact not to be denied, that the fines do actually go, not into the coffers of the state, but into the pockets of the judges and executioners of the law, the Fiscal and his officers ; of the respectability of whose characters, a doubt may well be entertained, when it is known that stolen goods were found in the house of one of them. A second blew out his brains. A third, is reported to have been raised to the situation, for being astute in discovering a new mode of torture.

With respect to offences committed by the Dutch and French settlers, of which no cognizance would be taken by the Dutch Courts, the late worthy Governor has delivered into the government a most shocking catalogue.

I cannot forbear mentioning one of them, as coming within my own knowledge. A person of considerable property, and one of the first families of the Cape, most cruelly and deliberately shot a poor Hottentot woman with a child at her breast. At the express command of the Governor, he was tried and convicted. The sentence was not what one would naturally suppose, that of Death, or even confiscation of property. A ridiculous farce was to be exhibited of a drawn sword to be passed over the head of the criminal, in a kneeling posture, before a heap of

sand, blindfolded and his neck bare, by the common executioner, and afterwards a partial sort of banishment.

To this mild and lenient sentence he had the temerity and the impudence, to appeal to the Governor, and expected to be relieved.

I think I need not add, that the appeal was dismissed, by the worthy Governor Sir John Cradock, with the indignation and contempt it so justly deserved.

From what has preceded with respect to the civil administration of the laws at the Cape, are to be reckoned the following objections.

1. The assumption of a right of disposal of intestate effects, contrary to the well known principles of the English laws.

2. The regulating of debts of insolvents.

3. The restraints on marriage.\*

4. Restraints on testamentary disposition, and on all personal property, which no man can sell or remove, without license, nor export without heavy exactions. It must here be observed,

\* The difficulty and expence in obtaining the consent of the matrimonial court is so great, that the ceremony of marriage is perhaps frequently dispensed with. A gentleman and lady, on their return to England, wished to marry, and applied for a license : They were obliged to wait a month for it, and lost their passage to England.

The expence of the license is enormous.

that by the laws of the Cape, every person resident in the Colony can by his will bequeath, only one third to his wife, and two thirds to his children. The will must bear date from the very place at which it was actually made, and is not valid, unless attested by a notary.

If these requisites are wanting, although the intention of the Testator be never so clear, his property is thrown into the Orphan Chamber, where it is frequently consumed in the expenses of the Court.

5. An assumption of the province of a jury to decide between British subjects in cases of libel and slander.

6. A strong bias in all cases in the Judges to determine in favor of an Africane, against an European or Foreigner.

And a constant endeavour to subvert the acts of officers, warranted by the authority of the English Government. Of this a thousand instances are in proof; but one may be, *instar omnium.*

An apprentice Slave took refuge from the brutal and savage violence of her master and mistress, in the house of an English officer; who immediately made the circumstance known to the Collector of the customs, under whose peculiar care apprentice slaves were put. The slave was, at his request, to continue in the officer's

house, and notwithstanding he had the authority of the Collector of the Customs to detain the slave, the Fiscal, or public accuser, had the temerity to institute a suit against the officer, and he, being about to quit the Colony with the consent of the Governor, was actually arrested on board ship. But the Fiscal, doubting his own authority, applied to the Governor for his, which being refused, the officer escaped from Dutch or Africane malignity; although threatened by the Fiscal with the action of Pollinedad,) a term he could not explain,) if he ever returned.

The evidence of the brutality of the mistress to this slave almost exceeded belief; but no attention was paid to it either by the Collector or Comptroller, who personally knew the slave, or by the Dutch Government.

It deserves to be remarked, that both the Collector and Comptroller are not only Englishmen, but characters well known in this country. It is their peculiar duty to protect the slaves that are bound apprentice, by the English Government, as sanctioned, I have understood, by an Order of Council.

From such a representation of the administration both of the civil and criminal code now in existence at the Cape (for the truth of which I pledge myself), I trust I am warranted in the conclusion drawn, that until a total and entire

change of system prevails, and the happy introduction of the English laws, and trial by jury, not only will the Colony of the Cape be of comparatively little benefit or importance to this country, but the present British settlers and future adventurers, are neither safe nor secure in their liberties, their properties, or even their lives.

On the other hand, how incalculable would be the benefit to the Colony itself, and its importance to this country as such, by the proposed change, which may be effected with much ease, and without any expence to ourselves ; and by the further grand proposition of increasing useful labour, and properly appreciating it. The present revenues of the Colony are equal to the expence of paying salaries to judges, and other officers, even if it should be right to make any provision for the Dutch judges and officers for their lives.

The present Courts of Justice would serve the purpose of English Courts, and houses of residence for the English judges, would for the present be easily provided.

Let us now examine, and consider the second important point—the increase of useful labour in the Colony. At the present almost all the whole labour of the Colony is performed by Slaves, who are in all Countries the most lazy and indolent people in the world, in general ; but

I believe more particularly so in Southern Africa, where, notwithstanding what has been untruly stated, they have not the encouragement as in other Countries, such as small grants of land for their own cultivation, and an unrestrained intercourse prevails between the sexes.\* The present practice being over the whole of the Colony, to put all the slaves of a family promiscuously into a building appropriated to the purpose called the Slave lodge. The intercourse, therefore, between the sexes being totally unre-

\* It has been asserted, that the Slaves at the Cape are better off, and less cruelly treated, than the Slaves in any other Country ; but the fact is otherwise. I have witnessed, in the houses of some of the Dutch settlers, much frequented by Europeans, much kindness to Slaves ; while, on the other hand, I have witnessed as much brutality. Besides, what I have said as to their promiscuous intercourse, they are in general most shamefully fed, and they are obliged to work the whole of the Sabbath, in a double proportion, in order to enable them to provide food for the rest of the week.

*N.B.* This practice Sir John Cradock endeavoured to do away, but in vain.

The practice of apprenticing prize Slaves admits of great abuse. The supposed term of apprenticeship is fourteen years, but they are known to have been kept in bondage their whole lives. The case of Maria Teresa, a Slave belonging to the present President of the Court of Justice, is in point, as others I could mention. It is to be observed, however, with regret, that these abuses are, as I before hinted, suffered by our own people ~~a office.~~

strained, the offspring is less numerous and less vigorous than it otherwise would be, and the poor Slaves are ignorant of the duties of the endearing relations of husband and wife, parent and child. The labour of the Hottentots is very inconsiderable; for an European to purchase labour, he must pay at an enormous price; indeed, at any price it is not to be obtained to any considerable extent.

The Vineyard, the Farm, and the Fisheries, would afford employment to almost any given number of labourers.

The heat of the climate, even in the summer months, is never such that Europeans could not work as many hours in the twenty-four, with as much ease as a labourer does in England; and he will do quite as much work in one day as a Mosambique, or Cape Slave or Hottentot, will in three.

An attempt was once made, as I have before observed, to increase the population, or rather the quantum of useful labour, by the introduction of Chinese; but while the scheme succeeded in the little Island of Saint Helena, it failed at the Cape, for want of proper exertions.

That a sufficient quantity of useful labour may be supplied from Great Britain and Ireland, without injury to our Trade, Commerce, Manufactories and Agriculture, is not I apprehend too much

to assert. Of the population of Great Britain and Ireland (so rapidly does it increase) it has been said that without depriving this Country of any useful labour for our Trade, our Agriculture, or Manufactures, there would be a surplus of useful labour, of one million of persons, in the course of every five years.

For this surplus, the Colony of the Cape of Good Hope, which may be extended over the whole of Southern Africa, affords the fairest prospects, and the widest fields for exertion.

Encouragement may be given to adventurers, in the easiest way possible to this Country, by the grants of small tracts of land, and other trifling assistance. No addition of military force would be necessary; or if it should, it may be well raised and paid for by the Country, out of its own revenues.\*

A small share of facility to adventurers always increases their number, and it would more particularly so, in the present case, when so few difficulties, and so many advantages, will present themselves, as on minute enquiry will be found to be the case.

But if the spirit of adventure should not be

\* Witness the Hottentot Corps, now called the Cape Regiment, and the Corps of Veterans raised and established by the late Governor, Sir John Cradock.

found to prevail to any great extent, the mode for the obtaining an immediate supply of useful labour for the Cape, in a limited way, by the employment of our convicts there, instead of sending them at an immense expence to Botany Bay,\* where their labour may be almost said to be entirely lost to this Country, should not be overlooked. And the pupils of the Philanthropic schools might be employed to great advantage, and become in another clime, what they are not likely to be in this—useful and perhaps valuable members of society.†

\* It is well known, that the expence of sending Convicts from this Country, does not cost less than from 120*l.* to 140*l.* each Individual, reckoning from the time of the apprehension of the Convict.

On an average 3000 are sent every year from England and Ireland. An annual expence of upwards of 300,000*l.* besides the loss of so much useful labour, not one half the expence of which would be incurred, if sent to the Cape, where the produce of the labour would very soon pay the expence.

† These would be the fittest subjects to send, as, being young, they would soon become, as it were, habituated to the Climate, and there are very many ways in which they might most usefully be employed, and particularly in the Vineyards, at one season of the year, in weeding the young Vines, at another in gathering and picking the fruit, at a third, in cutting the dried fruits and turning the sun raisins. They might also be profitably employed in the domestic arts of netting, sewing, &c. And in employment of this kind, which are very numerous, female Convicts may be also engaged.

With respect to both these classes of people indulgencies may, in due time, and under proper regulations, be granted, so as to induce from them another mode of supply of useful labour, and become a foundation of future wealth and prosperity to the Colony.

Whether the persons thus proposed to be sent should be employed by the Government, or dispersed over the Colony, the value of so much labour would be incalculable to the Colony, and ultimately a source of increasing wealth to the mother Country.

I cannot, however, but be persuaded, that if proper encouragement were once offered to adventurers, thousands would flock to the standard. The reports made to the House of Commons on the subject of Mendicity, sufficiently prove the number of persons that are beggars by necessity, and not by choice. The scarcity of labour is undoubtedly from the supply being greater than the demand. The idea of a Penitentiary large enough to receive all the beggars in the metropolis, or the species of workhouse that would apply to all, recommended by Mr. Col-

Thus labour would at once be provided for all ages and both sexes ; the women and children, as I have just said, and the men in the Fisheries, in Agriculture, in Building, &c.

quhoun would admirably assist the plan of collecting a quantity of useful labour, and drafts from them might be judiciously made, and many valuable characters discovered. \*

But not only to such as I have already mentioned, does the colony of the Cape hold out a temptation, the largest fields for exertion are opened. Those whom the ravages of destructive war have sayed, still without the comforts of a home, the kindness of friends and relatives, or a provision from a government, to gild the evening of their days, may, in the colony of the Cape, or in Southern Africa, over which the whole colony may be made to extend, find a comfortable retreat, in a mild and wholesome climate, where nature has not been niggard of her stores, but only waits for their production, by the gentle industry of man. To such as are ready to make the experiment, government

\* By the evidence of Mr. Montague Burgoyne, as to the number of people out of employment, it appears there are 6,876 grown persons, and 7,288 children, under the age of 12 years, of the Irish nation, as labourers in London, and one third of that population are supposed to be out of employment.

By the evidence of Mr. Colquhoun, 5,000 persons are annually vomited (to use his own expression) out of the gaols without character.

By the evidence of Mr. Fitzpatrick, no provision whatever is made, by the laws of this country, for poor Africaines, who are very numerous in the metropolis.

would do well to give every sort of encouragement, by grants of land, by apportionment of useful labour, and grants of timber and materials for building, or even the loan of those articles; and I am persuaded the return would be abundant, at no very distant period. To the healthiness of climate, may well be reckoned the advantages of abundant supply of cattle of all sorts, and the same of fish, of fruits, and of wine. That these are temptations, I think, must be allowed.

I wish to add one further observation on the supply of useful labour; namely, that if it be to be derived from the two sources—the spirit of adventure, and the employment of convicts—it should be kept as distinct as possible, according to circumstances; and much as the spirit of adventure deserves to be encouraged, still, it might not be prudent to allow a multitude to embark inconsiderately, before a provision was made for the indispensable necessities of a first establishment.

To procure these, however, at Saldanha Bay, I trust, would be no very difficult matter. And to this spot it is, that the spirit of adventure should be more immediately directed.

I feel warranted and confirmed in this conclusion, from lately perusing an Essay on the Advantages to be derived from New Colonies;

from which, as every sentiment and opinion seem so perfectly agreeable to reason, good sense, and experience ; and yet, as they may not be very generally known, I hope to be excused in giving them in a detached way, in the very words, or at least, the translated words, of the author himself.

“ Hitherto governments formed to themselves a political rule, not to send for the foundation of their Colonies, any but individuals without industry, without capital, and without morals. A principle the most opposite possible to this must be adopted, for vice, ignorance, and misery, can found nothing. They are calculated only to destroy.

“ Colonies which have been made use of as a means of punishment, and those which might serve for this purpose, have been imprudently confounded with those, whose commercial relations ought to be the source of riches to the mother country. We must carefully separate these two kinds of establishments. Let them have nothing common in their origin, as they have nothing similar in their destination. The impression which results from a polluted origin, has effects which many generations are scarcely sufficient to efface.

“ The pleasure of being able to attach to these enterprizes, so many restless men who

have need of projects, so many unfortunate men, who have need of hope.

“ The act of putting men into their proper places, is, perhaps, the first in the license of government, is, assuredly the most difficult: and the presenting to their imagination distant objects, perspective views, on which their thoughts and their desires may fix themselves, is, I think, one of the solutions of this difficulty.

“ In the developement of the motives, which have determined the establishment of the ancient Colonies, we easily remark, that at the time they were indispensable, they were voluntary: that they were permitted by the government as an allurement, not as a punishment.

“ We observe this idea especially to predominate in them; viz. that bodies politic ought to reserve to themselves, the means of placing to advantage, at a distance from their immediate seat, that superabundance of citizens, who, from time to time, threaten their tranquillity.”

*Of the future Laws and Constitution of the  
Colony of the Cape.*

An increased population will increase the necessity of the establishment of a constitution and laws, on the principles of British liberty and justice. Having given the subject much consideration, I beg leave to offer the following outline.

In the infant state of a colony, the laws should be as plain and as simple as possible, and without fiction or embarrassment.

One supreme court may be so constituted, as to embrace every object; and an equity should not be opposed to the decisions of law.

This court might decide in all criminal as well as civil causes. It should have equal cognizance over causes testamentary, of intestacy and insolvency, marriage, and other contracts, debt, &c. and above all, should be the guardian of the public peace, in maintaining religion and good order. When Sir John Cradock went out to the Cape, the Sabbath was profaned in the most abominable manner, and in every possible way, which abuse he took great pains to remedy.

If, for the sake of the furtherance of justice, it should be necessary to institute inferior courts, to decide in smaller causes, and in a summary way, the supreme court should have a controuling power over them.

The fundamental principles of the English law, should be universally acknowledged. Such as primogeniture, the law of descents, testamentary disposition (subject to certain rules) and distribution of intestate and insolvents effects.

The civil relations of husband and wife, parent and child, master and servant, to be strictly observed, with some few exceptions only as to the latter, in cases of slaves and convicts.

The persons of judges to be deemed sacred, and the persons of officers respected and protected.

In all civil causes whatever, without defining the action as of any particular nature or sort, such as (in our courts) case, debt, trespass, &c. it should be quite sufficient for the party suing, to state, in the most concise, yet perspicuous manner and language, the cause of his complaint to the court. To this statement, let the party sued state to the court, in the same way, his answer to the complaint, which answer may contain an admission, justification, or denial ; a

reply to this answer should be made, on which both parties should, on a certain day, come into court, with their witnesses on each side; and on the cause being heard, the whole evidence should be stated to the jury, who should decide agreeably thereto, and whose verdict should be recorded, and signed by the foreman, as now practised by the courts of law in Ireland.

A very few of the plain\* and leading rules of evidence, as practised in our courts, would be sufficient to lay down.

A new trial should never be allowed, but in cases where the verdict should be contrary to evidence.

And no appeal from the Supreme Court, but to the King in Council.

No action should lie after two years had elapsed since the cause of action had accrued, the period of six years, by the present statute of limitation, being too long.

\* By the laws now in force, not only at the Cape, but generally in the colonies, the evidence of a slave is never admitted. In consequence, crimes of the deepest malignity have frequently gone unpunished. Now, although an oath may not be considered as binding on one who has no belief in the existence of a Supreme Being, or a future state, still declarations from slaves, Hottentots, or people of colour, should in all cases be allowed to have the same weight and degree of credit, with the oath of a King's evidence, and to be believed, if supported by other evidence.

With respect to the criminal laws, the punishment of death need only be inflicted for the crime of murder, as warranted by the divine law.

Other crimes may be prevented, by punishments of a milder sort.

The crime of forgery, as it could not be frequent, might be sufficiently punished by fine, imprisonment, and infamous punishment, unless such forgery should cause or conspire the death of any person, when it should then be punished with death also.

Theft may be punished by imprisonment and corporal punishment, according to the amount of the theft, the rank of the offender, and other circumstances, *ad arbitrium judicis*.

All offences against religion, government, and good order, such as profaneness, libels, assaults, affrays, and indecent conduct, may be punished by fine, imprisonment, corporal, or infamous punishment, according to the extent of the offence, and the rank and condition in life of the offender, at the discretion of the judge.

No appeal whatever should be allowed.

To carry so summary and simple a code into execution, two or at most three judges, with an attorney general, would be sufficient for the purpose, whose united salaries, together with those of the inferior officers, would not exceed

those at present received by the president and court of justice, and the fiscal's department.

The present courts, as before observed, with a trifling alteration, may continue to be used as such, and public offices for records, for registers, &c. have been recently built at a considerable expence, and would be found sufficiently convenient and commodious. So that a complete and total change of the whole system of the laws and constitution of the colony may be effected without any expence, and the English laws and trial by jury, be happily placed in the stead, and a new field open for patronage. Not only English lawyers should be permitted to practise in the courts, but also resident natives of the Cape, provided they take the oaths to the British Government, converse and write in the English language, and moreover take an oath, before one of the judges, to obey the laws of England, as promulgated by the judges, and be faithful, honest, and upright to their clients, in the discharge of their duties, and without which oath, no person should be able to act as attorney or advocate. The judges, however, and attorney general, and all officers of the courts, to be none but British-born subjects.

What can be more plain and simple than the outline here drawn, and the difficulties to con-

tend with, how few? Difficulties, indeed, there are none. Nothing but a little exertion is necessary to give to thousands the comfort and protection of British laws. And for the poor natives of this most extensive colony, as well as British residents and European settlers, a total and entire change of the laws is absolutely necessary, if we reflect on the condition of those poor people, who, by the laws now in force, are not protected from the violence of their masters, and that their very lives are at his disposal.

The outline here given may be imperfect. The summit of excellence is not all at once to be attained. Wiser heads may much improve it; I will, for myself, only add, that from what I personally know and have observed on the subject, I feel a persuasion in my own mind, of the practicability and advantage of what I have ventured to suggest.

I had almost forgotten to observe, that notwithstanding the institution of the Circuit commission, established in the time of Lord Calendon's government (in the nature of an assize) there was no such thing as a general delivery of the jails, until the late Governor Sir John Cradock's proclamation; and it is perfectly well known, that persons suspected or accused of crimes, have been detained in prison for fifteen

or sixteen years, and some even for their whole lives, without ever being brought to trial. A more abominable species of cruelty cannot well exist. What are deemed the minor punishments, in the jails, would fill the mind of an European with horror. It is true that by the laws of the colony, a master or mistress, is forbid to punish a slave, but must send him to the trunk or jail for punishment, by the fiscal or his men, the bare mention of whose name makes the poor slave shake and tremble with horror.

I have often heard the mode of punishment described, but it is too disgusting and horrid to relate. Whatever may be the sense of feeling in the poor wretches, they are not even allowed to cry or call out under their sufferings, for the mouth of the criminal is either extended to the utmost expansion of the jaws, or filled up with rags, old rope, or tow.

Sir John Cradock most humanely visited these abodes of misery and wretchedness in person, and insisted upon a regular return being made to him at least once every month, certified by the fiscal. This account, as may easily be conceived, was most reluctantly given, but the Governor insisted upon a compliance.

Notwithstanding all which, it is much to be apprehended, the most abominable practices are still carried on in their jails, and more particu-

larly in the interior of the country, where they are so far removed from observation and inspection. The Circuit commission has already been attended with success, even under the present system; but instead of sending commissioners to attend the courts of the land-drost and hemraaden, the Judges themselves should go an annual, or half yearly circuit, through the districts, carrying with it supreme authority. Such a measure could not fail of producing the happiest effects.

In the instructions given by Sir John Cradock, in his proclamation of the 25th of September, 1818, to the worshipful the court of justice, for throwing open the doors of the court of justice (which I have added in the Appendix) many very excellent rules and regulations are there laid down with regard to the examination of witnesses—the mode of treatment of the accused person—the certainty of the time of the Sittings of the respective courts, enforcing the attendance of witnesses, and compelling prosecutors to come forward and prosecute.

Much information is to be gleaned from this source, and many of the provisions may be admirably worked up in the new code.

*Some further Observations on  
Saldanha Bay.*

BEFORE I finally close such observations as have occurred to my mind, on the subject of the Cape of Good Hope as a colony to Great Britain, which, from its magnitude and importance, I could heartily have wished had fallen into better hands, I will beg to add some few further observations on Saldanha Bay.

I have already enumerated many of its advantages, and I have recommended, from the possession of those advantages, to be the situation of all others for the ultimate seat of government. From recent communications I have had on the subject from the Cape, I am not at all disposed to alter the opinion I have entertained upon it; but I confess the magnitude of the scheme seems to present difficulties, I will not say insurmountable, but, at the same time, perhaps, too great, at once, to begin the undertaking. However, considering Saldanha Bay merely in the light of a safe and commodious harbour, to all who are acquainted with it, there can be

but one opinion, that it offers advantages of the very first importance. Why then should such advantages be overlooked ? As a naval station, and the establishment of the whale fishery, it may be immediately employed with the happiest effect. Warehouses, with docks and quays, things at present unknown in the colony, in Saldanha Bay, would soon be built. A branch, at least, of the Custom House, might at once be established ; and if government would afford encouragement to adventurers to settle in the immediate vicinity of the bay, by making grants of land and other things to settlers, and affording them protection, the settlement of Saldanha would soon become of consequence : at no very distant period it might rival Cape Town, and ultimately become the seat of government. The distance by land from Saldanha to Cape Town is but two moderate days' journey, with tolerable roads and places of refreshment ; and about half way is one of the Governor's farms, which, at a small expence, may be made for him a very comfortable temporary residence. The communication, therefore, between the two places, would be perfectly easy, both by land and by water, for the conveyance not only of intelligence, but of all articles of which, for the present, Saldanha might be in want.

As well as a branch of the Custom House, so a branch of the Post Office may be of infinite service for the dispatch of letters from the Cape, as well as to the Cape, at times when ships or vessels can neither sail out of, nor come into Table Bay. The road from Cape Town to Saldanha Bay, is, as I have before observed, perfectly good, and a distance of only two easy days' journey, so that, perhaps, it would be still better that the mail, when made up in Cape Town, should always be forwarded over land to Saldanha; and as ships coming out are always sure of making and getting into that bay, when it is sometimes dangerous and almost impossible to make Table Bay, it might be advisable, that all ships bringing mails, should be obliged to enter Saldanha bay; the saving of time would be immense, and the expence of conveyance from Saldanha to Cape Town trifling.

No diminution of duties need be apprehended from the entrance of ships into Saldanha rather than Table Bay, for if only the same duties are taken at the former, which are now taken at the latter, it is presumed there will rather be an increase, by the arrival of ships as well on an outward as on a homeward passage, who now anxiously avoid touching at the Cape, on account of the insecurity of the two Bays of Table and Symond's.

From a very accurate chart I have now in my possession, with which I was favoured by Mr. Nelson, well known in the navy, as formerly master of the Victory, and made by himself, from accurate calculation and observation, it appears that ships of any burthen may lay perfectly safe in almost every part of the harbour; and from the gradual rise and fall of the tide, would come in and out with the greatest ease. On part of the peninsula forming the bay, as well as on the islands within it, as also on the interior shore of the bay, buildings, adequate for any purpose, might easily be constructed. The greatest part of the harbour is completely land-locked, and a passage for small boats extends to the whole length of it, in the direction to Cape Town; and, finally, it possesses the advantage of being made perfectly safe and secure from the attack of an enemy, by being defended by forts on the two islands at the entrance, and from Marquess Island, and the opposite point of the peninsula, higher up the harbour.

On the score of a supply of water for Saldanha Bay, I am persuaded little or no doubt can now remain, for besides the spring Mr. Barrow mentions at Witte Klip, situated on an elevated point, six miles to the northward of Hootgies Bay (which he thinks, if collected and

brought to the Bay in pipes, would be amply sufficient for the supply of a considerable fleet of ships) there are abundance of small springs in the neighbourhood, which he has not noticed, as should appear by the frequent occurrence of the word fontyn, or spring. None of these, Mr. B. adds, have been opened, but he concludes with saying, "that common sense must convince us, if we consider for a moment the situation of the low sandy belt of land stretching along the northern coast, that there is plenty of water at no great distance from the surface." By Mr. Nelson's chart are two wells of good water mentioned, not noticed by Mr. Barrow, one of them called Pottery Well.

The streams, from these springs, might certainly be brought into the Berg River, and conveyed by pipes into the immediate neighbourhood of the bay ; and, if it should be necessary, retained in tanks, which in that situation, and the advantages it possesses of plenty of fuel and marine lime, might easily be constructed at a very small expence. Those who have seen the grand aqueduct at Lisbon, and know how admirably that fine city is supplied with water from such an immense distance, will feel no apprehension as to the possibility or practicability of this scheme.

This grand difficulty, therefore, surmounted, nothing obstructs Saldanha from becoming the most desirable harbour in the continent of Southern Africa.

I shall now close my observations on a subject that has appeared to me most deserving serious consideration from the British Government.

I could have wished it had fallen into abler hands, to which I would most willingly now resign it; but after so long a possession as this country has had of the Cape, and no person having thought it worth while to consider the importance of the Cape as a colony, while in my own mind perfectly satisfied of it, I have ventured thus humbly, but with confidence, to offer myself, and such considerations as have struck my mind on the subject, to the fair indulgence of a candid and liberal public. Perfectly conscious, at the same time, of the truth of the observation of an eminent writer, "that the man who presumes to disseminate his knowledge, by the unreserved publication of his opinions, sets himself up as a common mark for the shafts of envy and resentment to pierce, and seldom escapes from being charged with wicked designs against the interests of mankind; and that a writer, whatever his character, station, or talents may be, will find that

he has a host of malevolent inferiors, ready to seize every opportunity of gratifying their pride, by attempting to level his merits, and subdue his rising fame."

I shall satisfy myself with the hope of being at least allowed to say, *Vitavi denique culpam si non laudem merui.*

## APPENDIX.

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As it may not be uninteresting to some of our readers to see the terms on which the colony of the Cape capitulated in the year 1806. An exact copy is here subjoined.

*Articles of Capitulation, proposed by Lieut. General Jansens, Governor and Commander in Chief of the Batavian Forces at the Cape of Good Hope, to Brigadier General Beresford, duly authorized by Major General Sir David Baird, K. C. and Commodore Sir Home Popham, K.M. Commanding the Military and Naval Forces of His Britannic Majesty.*

ART. I.—As soon as this capitulation is signed, the whole of the settlement of the Cape of Good Hope, with all its dependencies, and the rights and privileges held and exercised by the Batavian Government, will be considered as surrendered by the Governor, Lieut. General Jansens, to his Britannic Majesty.

*Answer. Agreed to.*

II.—The Batavian Troops are to march with all their Baggage, Arms, &c. to a place hereafter to be agreed upon, and retain every thing, as well what belongs to the state, as to individuals, and be at liberty either freely to dispose of the same, or, if they prefer, take every thing away with them.

*Answer.* The Batavian Troops shall march from their present camp, within three days, or sooner if convenient, with their guns, arms, and baggage, and with all the honours of war, to Simon's-town;—they shall retain all private property, and the Officers their swords and horses.

But their arms, treasure, and all public property of every description, together with the cavalry and artillery horses, must be delivered up. In consideration, however, of their gallant conduct, the troops will be embarked and sent straight to Holland at the expence of the British government, and shall not be considered as prisoners of war, they engaging not to serve against his Britannic Majesty, or His Allies, until they have been landed in Holland.

III.—The Battalion of Hottentot light infantry shall, with the rest of the troops, march to the place to be agreed upon, and there being disbanded by General Jansens, shall be at liberty to return to their own country.

*Answer.* The Hottentot soldiers are to march to Simon's town with the other troops ; after which they will be either allowed to return to their own country, or be engaged in the British service, as they may think proper.

IV.—Under this capitulation shall be comprehended all Military men, who, being wounded, have not been able to follow the army, and have fallen into the hands of the British.

*Answer.* These persons being already prisoners of war, any decision respecting them belongs only to the British Commander in Chief.

V.—The Officers and men belonging to the Batavian army, are to be subsisted at the expence of the British government until they are embarked.

*Answer.* Agreed to.

VI.—The troops shall be transported to such ports of the Batavian Republic as shall be selected by Lieut.-General Jansens.

*Answer.* The troops, as in the answer to the second article, shall be sent to some port in Holland.

VII.—The sick who cannot be removed with the other soldiers, are to be attended to at the expence of his Britannic Majesty, and when recovered, sent to Holland.

*Answer.* Agreed to.

VIII.—The inhabitants of the colony who

are comprehended in this capitulation, are to enjoy the same rights and privileges as have been granted to those in Cape town, according to the capitulation of the 10th instant.

*Answer.* Agreed to.—With the exception of not quartering troops, the country not having the same resources as the town, and this right having been always an appendage to the Batavian government.

IX.—The troops whilst on board ship are to be accommodated and fed according either to the Dutch or English method, as is most beneficial to them.

*Answer.* The troops when embarked, will be treated in every respect as British troops when on board transports.

X.—Lieut.-General Jansens shall be at liberty to send home a dispatch to Holland, and will receive assistance from the British commanders in forwarding the same.

*Answer.* Agreed to.

XI.—The Baron of Hogendorp having expended a great deal of money for the execution of agricultural plans, he shall be supported by the British government in carrying his plans into execution; and the British government shall grant unto him all such rights and privileges as, from the public records, it shall appear the Batavian government meant to have given him.

*Answer.* This article must be left entirely to

the discretion of the future British Governors or Commanders.

XII.—If in this capitulation any thing doubtful may occur, it shall be bona fide construed to the benefit of the Batavian government.

*Answer.* If any doubt should arise as to any article contained in this Capitulation, it shall be decided according to what shall appear to be just and honourable, without any preference to either party.

Given under our hands and seals, this 18th day of January, 1806, at Hottentots Holland.

(*Signed*) J. W. JANSENS.

W. C. BERESFORD.

*Brig. General.*

Executed in the presence of

(*Signed*) J. A. TRUTER.

J. C. SMYTH.

Ratified and confirmed in the Castle of Good Hope, this 19th day of January, 1806.

(*Signed*) D. BAIRD, *Major-Gen.*

*Commanding in Chief.*

HOME POPHAM, *Commodore,*  
*Commanding His Majesty's Naval Forces.*

*Government Advertisement, extracted from the  
Cape Town Gazette, February 15, 1812.*

His Excellency the Governor feeling an anxious wish to promote the welfare of the colony, by every means in his power, and viewing the extension of the wine trade, as offering such permanent advantages to its inhabitants, considers it his duty to call upon the wine grower, as well as the merchant exporter, to lend him their assistance towards the improvement of so valuable a branch of commerce.

When the present state of the wine-growing countries in Europe is considered: the difficulty of procuring the wines of France: and that the cultivation of the grape in Spain and Portugal is, from a state of warfare, in a great degree abandoned, the present moment is the most favorable to the introduction of Cape wines into general use. But this is not to be accomplished with effect, without the total abandonment of the present system, conducted as it is under false principles, and full of error throughout.

Although it is admitted that the Wines of the Cape have materially improved, within a few years past, it is equally true, that much remains to be done, before they can support a competi-

tion with those of other countries, not so favored either in climate or soil.

The Island of Madeira appears to offer the best model for imitation. The climate, as well as the nature of the soil, bears a great similitude to those of the Cape; and viewing the high state of perfection to which Madeira wine has been carried, we are bound to pay deference to the system pursued in that Island, and adopt it at the Cape, as far as local circumstances will permit.

His Excellency, in pursuance of his intentions, has collected the following heads of information, which he recommends to the most serious consideration of the Wine farmers and merchants of this colony, and at the same time declares his intention of giving them effect, by granting such premiums, and adopting such regulations, as may be found best adapted to meet the object in view.

1. The vines in this colony are too thickly planted. In the future formation of vineyards, it is recommended that the vines shall be planted four feet deep, and in rows at a distance of six feet from each other, leaving a space of four feet between each row. As soon as they begin to bear fruit, or at the end of the year, they should be led or trained, in the manner of espaliers, along a rail work formed of upright posts of

the hard wood of the country, six feet apart, and four feet above the ground, crossed by two rows of the bamboo, or Spanish reed, the lower one two feet from the earth. The object which will be attained by this simple mode, is an increase of, and a superior quality of fruit, as well as the prevention of the baneful influence of the earth upon the grape, which cannot be too much guarded against. The farmer will also perceive that the destructive tendency of the south-east winds is considered in limiting the height of the frame to four feet. The expence of the railing described will be comparatively inconsiderable to the advantage derived. The bamboo, or Spanish reed, will thrive in most parts of the colony, and the rush of the country will be found sufficiently strong to bind the whole together.

2. Much of what has been recommended in the last article will apply to the vineyards now in bearing. The materials for the rail-work may be prepared and ready to fit up in July and August next, when the genuine pruning of the vineyards takes place: and then it will be for the farmer to select the strong healthy shoots for training, taking care not to have too many eyes to each: At this period the earth should be well dug up about the vines, and manure applied. The vineyard during the

spring and summer should be kept free from grass and weeds.

3. The proprietors of vineyards now in bearing, and who may be wise enough to lead their vines, as recommended, would do well to remove every second vine, which will give the distance of six feet between each, and a space of three feet between every row. They may be assured, the remaining vines will yield a more abundant crop, and fruit of a superior quality.

4. From the period at which the fruit is fully found, until it is fit for the press, it should be the constant care of the farmer to remove, from time to time, the shoots that may be thrown out, as well as such leaves as may obstruct the rays of the sun from fairly acting on the fruit. The full influence of the sun is essentially necessary towards bringing the bunch of grapes to perfect and uniform maturity, and if prevented, deprives the wine of its great keeping property, and imparts to it a roughness and acidity that no ulterior means can entirely remove.

5. At picking time all rotten or damaged grapes should be rejected, and great care taken, that none are pressed before they are perfectly ripe. The stalk of the grape should not be allowed to ferment with the fruit, but after pressing and before fermentation commences, be carefully separated with a rake. The grapes

should be pressed out by men's feet. The men enter the press as soon as filled (the greater the quantity it contains the better) and should be succeeded by others, until there is a strong appearance of fermentation. The juice is then left to ferment, without molestation, until the skins, &c. begin to subside. It is then carefully drawn off, and transported to the merchant in Cape town, or put into vats, leaving room for further fermentation. In the latter case, too much care cannot be taken in cleaning and scraping out the vats for use: washing them out with brandy is a good practice.

6. The restriction hitherto imposed upon the farmer of keeping his wine for six months after vintage, is removed, and he is permitted to send it to Cape town as soon after it has fairly passed the first fermentation, as suits his convenience.

This measure will relieve the present farmers from the heavy expence of providing a large establishment of casks, and enable those possessing smaller means, to become growers of the vines.

The farmer is now supposed to have done his duty, and the wine in the possession of the merchant, to whom we are to look for its further improvement. By existing regulations he will have the wine in his possession at least sixteen

months, which will afford ample scope for the exercise of his ingenuity and talents, in classing (or, as it is generally termed) lotting the wines, as he received them from the country, with a view of giving equability of quality, and a marked character to the wines of this settlement, which appears never to have been studied, and has operated as one of the leading objections to their use. This part of the process is paid much attention to in the wine countries in Europe, because the merchant is aware, that no two vineyards, be they ever so contiguous, will produce exactly the same flavoured wines.

8. The vats being clean and carefully prepared for the reception of the wine, brandy in the proportion of five gallons for every leager, may be put into each, observing to be particularly careful that the brandy is pure and free from any taste of smoke or defect, which it will for ever impart to the wine. The wine should be racked off at least twice during the sixteen months; in the last of these operations, a more minute classing may be made, and a further addition of brandy given in the proportion of three gallons to a leager.

9. During the several processes stated in the last article, the merchant should separate his wines into four different qualities, viz. inferior, good, better, best. If he has a general lot of wine to

ship, he takes an equal proportion one-fourth from each kind ; if a lot of second-best quality, one-eighth best, one-eighth better, one-fourth good, half of inferior. For a superior lot, inferior is left out and one-third good, better, and best is given. The lotting of wines thus described, is followed both in Portugal and Madeira, and gives cause why the wines of these countries are so accurately characterised.

10. After the 1st January, 1813, the wines of the Cape will be shipped in pipes (containing 110 gallons each) half pipes and quarter pipes, such as are made use of at Madeira. They will be less expensive, and stow much better on board ship, than the casks at present in use. The farmer is permitted the use of the leager.

11. The following are the medals which his Excellency proposes to grant, as an honorary badge to such individuals, whether farmer or merchant, as will afford their assistance to improve the cultivation of the grape, or the manufacture of wine in this settlement.

A gold medal, value 300 rds. to the farmer who will lead the greatest number of the vines (not less than two thousand) now in bearing, in the manner described in the 1st paragraph by the 1st of September next.

A gold medal, value 300 rds. to the farmer who plants the greatest number of new vines

(not less than two thousand) in the manner described in the 1st paragraph; and of that species of vine only, from which is produced the Cape Madeira, by the 1st of September next.

A gold medal, value 150 rds. to the farmer who sends into Cape town before the 1st of January, 1813, the largest quantity of Cape Madeira, and of the most approved quality, and uniformity in flavour.

A gold medal, value 100 rds. to the farmer who sends into Cape town before the 1st of January, 1813, Cape Madeira of the most approved quality, and uniform flavour, not less than five leagers.

A gold medal, value 100 rds. to the farmer or merchant, who will produce a sample of wine, considered to come nearest in flavour to real Madeira, and of which he possesses not less than five leagers, by the 1st January, 1813.

A gold medal, value 300 rds. to the wine-merchant, who will produce the best certificate of the superior quality of wine shipped by him (not less than fifty leagers) for any foreign market, within the space of fifteen months after shipment.

The certificate must be signed by three respectable merchants, and correspond with the ship's manifest, that it may be compared with the Custom House and wine-taster's books.

It would be exceedingly gratifying to his

Excellency, if the competitors for the last medal, would direct samples of the wines exported by them to be returned, by comparing which with those lodged in the wine-taster's office, the government will be able to ascertain the effect produced by crossing the Atlantic, or Indian Seas.

Cape of Good Hope, 14th Feb. 1812.  
By Command of his Excellency the Governor,  
(Signed) H. ALEXANDER, SEC.

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*Judgment of the Governor in the Criminal Court  
of Appeal, at the Cape of Good Hope.*

At a Court of appeals for criminal cases, held on Monday the 5th instant, at the Government-House in Cape Town, his Excellency the Governor was pleased to affirm the following sentence of the worshipful the Court of Justice, pronounced the 23d day of July last past.

Sentence in a criminal case of the Land-drost of Zwellendam, Petius Stephanus Bruissinne, Prosecutor, against Stephanus Johannes Cloete, prisoner and defendant.

The Court having seen and examined the papers and documents exhibited on both sides, and considered every point which deserved attention, and could move the Court administering justice in the name, and on the part of his Bri-

tannick Majesty, doth condemn the prisoner to be brought to the Drostoly Zwellendam, to the place where criminal sentences are commonly executed, and there to kneel down before a heap of sand, the eyes being blind-folded, the neck naked, and a sword passed over his head by the executioner; and further to be for his life-time, banished from this colony and its dependencies, without his being permitted ever to come again into this settlement, on penalty of being punished more severely; and to be confined at the Robben island, until an opportunity offers of sending him away. And the Court doth reject the further demand of the R. O. Plaintiff, and condemn the prisoner in the costs of suit, at the taxation and production of this Court. And the Court doth finally declare, that the practitioners of the prisoner have not deserved any fees in this cause.

This done and decreed in the Court of Justice, at the Cape of Good Hope, the 16th day of July, 1812, and sentence promulgated the 23d following.

In my presence,

(Signed) G. BECLAERTS,

VON BLOCKLAND, Sec.

On this day the 25th July, 1812, the advocate J. J. van den Berg, for the defendant, S. J. Cloete, declared to lodge an appeal of the above sentence to the Right Hon. the

Court of Appeals, for criminal cases in this settlement.

Quod Attestor

(Signed) J. C. FLECK, 2d Clerk.

A True Extract

(Signed) G. BECLAERTS.

VON BLOCKLAND, SEC.

But previous to the affirming of which his Excellency the Governor was pleased to make the following remarks.

I have not the smallest hesitation in rejecting this appeal, and confirming the sentence of the worshipful Court of Justice.

Had that Court, for whose decisions I entertain the greatest respect, seen in their wisdom, sufficient grounds to proceed to the utmost extremity of the law in such cases, and pronounced death against this criminal, I should equally have sanctioned their verdict ; or had the Ratione officii prosecutor entered an appeal, and thus brought the whole matter before me, I should undoubtedly have considered it my bounden duty to reverse the present sentence ; for as far as the evidence before me reaches, I can discover nothing but the wilful and direct murder of a defenceless wretched woman, holding an infant child in her arms at the moment of her death, exposed to the same blow that deprived the mother of her life.

In the present enlightened period of this Colony, the good disposition of the inhabitants, and under the well-regulated administration of justice that prevails, I cannot doubt but that crimes of the nature now before me will disappear. Could I entertain the thought, that the feelings of humanity were not active, yet I would expect, that those of reputation and interest will influence, and as much as this community at large abhors the perpetration of such acts, in equal measure will they exert themselves to bring such offenders to condign punishment, and vindicate the general character.

Of crimes of the magnitude in the case before me, it may seem unnecessary to repeat what every civilized and Christian state doth acknowledge. "That the wilful shedding of human blood, demandeth the atonement of blood."

There is no person so bold or impious as to maintain the denial of this divine and human law. No sophistry, no subterfuge can avert or extenuate the full force of this all-powerful and universal truth. It proceeds from God and the Scriptures, and let no mortal man presume to weaken or oppose it. In the eye of the Creator all mankind are viewed alike, and it is but the proud conceited creature (who at the day of Judgment will find his bitter error,) that pretends to make distinction.

I know that the Court of Justice, and the chief magistrates of the respective districts, will cordially support the utmost exertions of Government, and I speak in the name of the Sovereign of this Country, that it is his royal command, that impartial justice, without difference or exception, should be dispensed to all classes of his subjects.

The law is the same to all, the rich or poor man, the powerful or defenceless, the master or the slave, the European, Colonist or Hottentot, are all alike within its protection or punishment; and it never for a moment will be in contemplation what is the rank or situation of the offender.

Without these foundations of justice laid in nature, as well as human wisdom and policy, this Colony cannot succeed; and with them it bids fair, under Divine Providence, to arrive at the utmost degree of prosperity and happiness.

THOS. ROWLES, Sec.

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*Proclamation against the arbitrary and indefinite  
Confinement of Slaves.*

Whereas it has been found by experience that the confinement of slaves at the discretion of masters and mistresses, for domestic offence, with-

out the intervention of the sentence of a court of justice, the decision of the fiscal, land-drost, or other competent authority, tends to corruption of their manners, and is productive of other evil effects.

Now be it hereby known, that all public authorities, having the superintendance of any place of confinement under their controul and management, are directed not to permit to be detained for more than one month, any slave or slaves, unless there be charges of a criminal nature offered against such slave or slaves, and a prosecution commenced by some proper and competent authority.

And be it further enacted, that when by the sentence of the court of justice, commission of circuit, or other competent authority, any slave or slaves shall be directed to be sold for improper or cruel treatment, on the part of their master or masters, mistress or mistresses, that then, and in such case, a duty of ten per cent. not over and above all other charges and deductions, shall be reserved and levied by the vendue master or other officer, to whom such sale or sales, are entrusted, out of the amount of such sale or sales, and be paid with the other duties, under the usual authorizations to the receiver general of his Majesty's revenues.

And that no person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my hand and seal, at the Cape of Good Hope, this 1st day of January, 1813.

(Signed) J. F. CRADOCK.

By his Excellency's command,

(Signed) H. ALEXANDER, SEC.

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*Proclamation for limiting the Imprisonment of Persons confined for small Debts.*

Whereas by the laws now in force there is no limited time for the duration of the imprisonment of any person or persons, against whom an execution for debt, process of court, or precept or warrant of any court, or competent authority in the nature of an execution, for the levying any fine or fines, penalty or penalties, is issued for the non-payment of such debt and costs, or such fine or penalty, as such debtor or debtors, offender or offenders, are ordered and commanded to pay; but such debtor or debtors, offender or offenders, are thereby committed to prison until such time as they can pay or satisfy such debt, fine, or penalty, so that it may happen a person may be confined many months for a small sum of money.

Now be it hereby declared, ordained, and enacted, that no person or persons whatsoever, shall be confined for any debt, fine, penalty o

contempt of court or other authority, not exceeding the sum of twenty six dollars, more than one month ; and every magistrate, fiscal, deputy fiscal, land-drost or deputy land-drost, or others having the care, custody, or superintendance of any prison or place of confinement, is hereby ordered and directed to discharge from such prison or place of confinement, at the end of such month, such person or persons, without demanding or receiving any fees, or other expences, than that of their diet, at the rate of ten stivers for each day.

And whereas it has occurred that a debtor or debtors have been for a long and indefinite period of time, for small debts not exceeding 50 rds. be it enacted and ordained, that no person shall be detained in prison for more than six calendar months for any original debt not exceeding 50 rds. exclusive of all costs of suit, and the fiscal, deputy fiscal, land-drost, deputy land-drost, and all others having the care and superintendance of jails, prisons, and places of confinement, are hereby directed and commanded to liberate all and every person and persons so confined, at the expiration of six calendar months as aforesaid ; and all and every person is forbidden again to arrest for such debt aforesaid, any person or persons so liberated: but nothing herein shall be construed to discharge such debt

or debts, or to deprive the creditor or creditors of any and every other remedy against the goods, lands, or property of such debtor or debtors, which now exists by law.

Given under my hand and seal; at the Cape of Good Hope, this 5th day of February, 1813.

(Signed) J. F. CRADOCK.

By his Excellency's command,

(Signed) H. ALEXANDER, SEC:

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*Government Advertisement, recommending the general acquirement of the English Language.*

His Excellency the Governor conceives it to be necessary to make known his sentiments upon the general acquirement of the English language, that the earliest attention may be paid to this essential study, by parents and all persons concerned in the education of the youth of this colony.

His Excellency daily finds that not only the dispatch of all business in the public offices suffers through the want of able translators, but he equally feels, and it must be universally acknowledged, that the medium of translation, so contrary to the spirit and effect of government, can afford but a very imperfect and limited communication in all transactions.

His Excellency therefore, however he may still yield to the force of superior merit and qualifications, in some respected cases of the present day, will consider himself obliged in all future appointments, among the rising generation, who have had the opportunity of attainment, to make the possession of the English language an indispensable condition.

His Excellency well knows that the thanks of those young persons will soon be due to him, when they shall find the advantage of this ordination, not only in its immediate benefits in the transactions of the various business connected with government, within this colony, but in not leaving them confined to the boundaries of the Cape of Good Hope, as it will enable them to enlarge the sphere of their talents and activity, and pursue one common course with all his Majesty's subjects throughout his dominions.

Castle of Good Hope, February 19th, 1813.  
By command of his Excellency the Governor,  
(Signed) H. ALEXANDER, SEC.

*A Proclamation for the better securing the attendance of Witnesses on Trials.*

Whereas a practice has hitherto existed, of confining parties accused of various crimes for indefinite times, until their guilt or innocence could be decided upon: And whereas parties giving evidence, or tendering evidence against such persons, occupied in other various occupations, have neglected to attend to give the evidence or testimony, and thus continued the confinement of the party accused, beyond what the purposes of justice required: And whereas when poor and suspected persons, Hottentots and Slaves, and others, have given or tendered testimony or information, they have been detained in prison to substantiate the same before the proper tribunals, or commissions from such tribunals, to their great injury, and as it is to be apprehended, to the injury of justice, by deterring them from giving information, when it is to be productive of their own imprisonment.

Now be it enacted and declared, that in all and every the country drosdies (the Cape district and that of Stellenbosch excepted) that whenever and as often as a person accuses another or others, or gives information against him or them, upon which he or they are arrested or

confined, that then and in such case, the person or persons, giving such information or testimony, or causing such arrest, shall give security at the discretion of the magistrate, field court, or other person committing such person or persons to jail, that he will come forward and bring forward his evidence, against the party accused, at the next assizes, or at times to be appointed for previous examination by proper authorities, of which he shall have proper notice: And upon failure of the party or parties so doing, suit shall be immediately entered upon such bail-bond, or security, and the amount, when recovered, shall be divided into two parts, one half to the account of the district treasury, the other at the discretion of the court of circuit, to make compensation to the party or parties suffering by such testimony: and nothing herein contained is to prevent the commission or other competent authority from suspending such suit upon bail, until his Excellency's pleasure is known, if a good and legal bona fide reason is assigned, and proved by oath to their satisfaction.

And it is hereby further enacted and proclaimed, that no prisoner or prisoners shall be detained in jail after such commission of circuit shall expire, if the party or parties accusing or giving testimony does not, or do not, upon oath assign good and sufficient reasons, to be approved of by

the court of commission, or other authority, to induce them to put off the trial : and in such case the court of commission, or other competent authority, shall bind the prosecutors to give security to prosecute, at a fixed and given time, as the court, or other competent authority under the circumstances of the case, directs.

And be it further enacted and proclaimed, that when poor Hottentots, slaves, or others, incompetent to give security, are confined to give evidence and secure the punishment of crimes, and to guard them from being tampered with by the parties they accuse or their friends : that in all and every such case, where the party confined to give his testimony, appears to the court to have given a fair and just testimony, and to have acted honestly and faithfully, that then and in such case, upon a certificate from the court of commission, or other competent authority to that effect, the party so confined shall receive two skillings each day, over and above his provisions and necessaries, as a compensation for his loss of time, to be paid out of the district treasury.

And if at the time of the sitting of the circuit commission the trial is put off or delayed, that then such poor person, Hottentot, slave, or other, shall be dismissed from jail, on his giving his own security, if none other can be obtained, that he shall attend to prosecute at the time appointed by

the court of circuit, or other competent authority required. But if a case be made out to the satisfaction of the court of commission, or other competent authority, that the confinement of the party is essentially necessary, to guard against the failure of justice, that then and in such case, the witness so confined, shall be entitled to three skillings a day, for the time of such extra confinement.

Given under my hand and seal, at the Cape of Good Hope, this 12th day of March, 1813.

(Signed) J. F. CRADOCK.

By his Excellency's command,

(Signed) H. ALEXANDER, SEC.

N. B. A subsequent proclamation, dated 19th March following, the exception, as to Cape district and Stellenbosch, was repealed.

N. B. September 4th, 1813. A further proclamation of this date issued, giving particular instructions to the commission of circuit as to enforcing the attendance of witnesses on trials, and for preventing the escape of prisoners.

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*Proclamation for the better observance of  
the Sabbath.*

Whereas it has been found the present regulations in force are not adequate and sufficient

to secure the decent and respectful observance of the Sabbath Day : It is hereby commanded and enacted, that all shops, (those of Apothecaries, Bakers, and Butchers, excepted) shall be shut up, and all trading and trafficking in any goods, ware, or merchandize, on retail, shall cease during divine service in the English and Dutch churches, and also all public Billiard-rooms shall be shut up during the whole of Sundays : And to enforce and secure a due obedience to this law ; be it enacted, that any person or persons (Apothecaries, Bakers, and Butchers, excepted) convicted in keeping open his shop, buying or selling, or retailing therein, during divine service, shall be, and is hereby made liable to a penalty of one hundred rds. or one month's imprisonment, the one moiety to go to the informer, and the other half to be equally divided between the officer prosecuting and the school fund : and that every keeper of a public billiard table, where persons are found or detected playing during the said Sundays, shall be liable to a penalty of one hundred rds. or two months' imprisonment. And every person or persons playing, shall also be liable to a penalty of one hundred rds. or one month's imprisonment, to be sued for and recovered in the ordinary course of law, one moiety of such penalty to go to the informer,

the other moiety to the officer prosecuting, and the school fund, in equal halves.

Given under my hand and seal, at the Cape of Good Hope, this 21st day of May, 1813.

(Signed) J. F. CRADOCK.

(Signed) H. ALEXANDER, SEC.

*Further Proclamation respecting the Wine Trade.*

Whereas it has appeared to me, that the beneficial regulations prescribed by the Government advertisement of the 3d of January, 1812, to prevent the exportation of wine from this Colony in bad casks, are frequently attempted to be transgressed, so far even, that the same casks have been offered three successive times for examination to the proper officer or officers, notwithstanding they had already been rejected, agreeably to the 3d and 4th article of his instructions, I have therefore judged proper, in order to prevent the prejudicial consequences which must result therefrom, to command and direct, and it is hereby ordered and directed accordingly, that in future no casks which have been once disapproved of by the wine-taster, or his assistant, shall be made use of for the exportation of wine, neither sold nor delivered to any other person for that purpose, nor offered a second time to the wine-taster or his assistant

for examination, under a penalty of 500 rds. for every cask, over and above the confiscation of such cask or casks so rejected. And in case of inability to pay the penalty, the offender shall be punished with six months' imprisonment. And in order to prevent all misunderstanding or evasion of this regulation, the wine-taster or his assistant shall mark legibly, or cause to be engraved on each end of the cask so rejected, the word "condemned," and thereby enable every person to guard against purchasing or receiving the same for the exportation of wine, which mark shall not be expunged, altered, or concealed, under a penalty of 100 rds. for each and every cask, on which such mark shall be so effaced, altered, or obscured, and to such other penalties as now by law exist. The informer shall receive one-third of the above-mentioned penalties. And that no person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my hand and seal, in the Castle of Good Hope, this 24th day of September, 1813.

(Signed) J. F. CRADOCK.

By his Excellency's command,

(Signed) H. ALEXANDER, SEC.

*Proclamation that all proceedings before the Boards of Land-drost and Hemraaden, should be carried on with open Doors.*

Whereas the publicity of all judicial proceedings has an essential and direct tendency to attain the object of a regular and impartial administration of justice, and as it has consequently appeared to me to be highly expedient, that such public manner of proceeding should be carried into effect in every part of this Colony, I have, therefore, judged proper to order and direct, as I hereby order and direct accordingly, that in future all proceedings before the respective boards of Land-drost and Hemraaden of the country districts (the Cape district included) shall be carried on with open doors, in the same manner as prescribed by the proclamation of the 16th May, 1811, for the commission of circuit. And I further order and direct, that the said boards do conform to the mode of proceeding set forth in such, so far as the same may fall under the competency of the respective boards.

Given under my hand and seal, at the Castle of Good Hope, this 25th day of September, 1813.

(Signed) J. F. CRADOCK.

By his Excellency's command,

(Signed) H. ALEXANDER, SEC.

*Further Proclamation as to the Administration  
of Justice with open doors, &c. &c. with further  
Instructions.*

Whereas the proceedings before the worshipful the Court of Justice with open doors, has by the 38th article of their instructions been confined to the pleadings alone in the full Court, And whereas it hath appeared to me to be of essential utility, as well for the dignity of the administration of justice, as towards imprinting on the minds of the inhabitants of this Colony the “confidence that equal justice is administered in the most certain, most speedy, and least burthensome manner,” that all judicial proceedings should be carried on in open Courts; the beneficial effects of which have been more especially confirmed by the result of the publicity observed in the proceedings before the different commissions of circuit in the country districts, agreeably to the proclamation of the 16th May, 1811. I have, therefore, judged proper to order and direct, as I hereby order and direct accordingly, that from the 11th of November next, the day on which the present vacation ends, not only all pleadings, but also all other

proceedings, as well before Commissioners as before the full Court, shall be carried on with open doors, in the presence and hearing of every person who may think proper to attend. And in order to insure the proper effect of this measure, I have further deemed it expedient, to amplify the instructions for the worshipful the Court of Justice, with the following rules and regulations,—namely,

*Criminal cases before the full Court.*

Art. 1. In all Criminal cases which, from their nature, must be prosecuted before the full Court, all informations, after a decree of apprehension, or summons to attend in person shall have been issued by the Court, shall be taken with open doors.

2. All the witnesses consequently shall be examined with open doors, each separately before Commissioners of the Court, without, however, that the one shall have any inspection or communication of what has been deposed by the other; the examinations of the witnesses and the records of the evidence to be made in the same manner and form as hitherto observed.

3. The accused shall also in like manner be heard in open Court, of the crime with which he is charged, and the answers taken down as far as practicable in his or her own words, and with the least possible alteration in the style and ex-

pression, and thereupon read to the accused person.

4. The examination of the witnesses, and of the accused being concluded, the confrontation, as well of the accused with the witnesses, as of the accused with his or her accomplices, should there be more than one implicated in the same crime, shall be publicly made, and the investigation shall be continued in this manner, till that after all the circumstances have been fully scrutinized, as far as the nature of the case will allow, the Commissioners shall have declared, that the examination is closed.

5. This declaration, however, shall not be made before that it shall have appeared to the commissioners that all the documents relative to the business in question, including therein the preparatory informations, shall have been read to the accused with open doors, at such part or parts of the examination, where it may be considered as applicable, conformably to the spirit of an equitable and impartial administration of justice.

6. After the investigation shall be declared closed, the further proceedings before the full court shall not only be carried on with open doors, but also, orally: which shall be observed as well in the defence of the accused, as in the prosecution of his Majesty's fiscal or other land-drosts of the country districts respectively.

7. In order to obtain the object in view, with order and regularity, the court shall assemble every Thursday, the vacations excepted, and alternately try, one week civil, and the other week criminal cases, with open doors ; and, as far as relates to the criminal, the court shall take care, that all cases pending be prosecuted, the proceedings closed, so that sentence may be passed without interruption.

8. In criminal cases belonging in the first instance to the cognizance of the full court (which are brought forward by simple citation without a previous decree of apprehension, or summons to appear in person) by his Majesty's fiscal, or any of the respective land-drosts, all the proceedings shall be carried on orally in open court, and no delay allowed except for important reasons ; and all the evidence relative to such cases shall also be re-heard and sworn to in open court.

9. Besides those regulations, it is recommended to the court, that all criminal cases, so far as the nature of the same does not absolutely prevent, be examined into and decided on, in the full court, without previously sending the documents round to all the individual members for their separate perusal.

*Criminal Cases before Commissioners.*

10. All misdemeanors regarding the colonial

revenue, and other transgressions of lesser import, the cognizance of which in the first instance belongs, agreeably to the proclamation of the 17th July, 1807, to commissioners of the court, shall, conformably to said proclamation, remain subject to their cognizance and decision, with this understanding, however, that in all such-like cases the proceedings shall likewise be carried on with open doors, and further observed the regulations hereafter prescribed in this respect.

11. On the 1st Monday of every month, the commissioners to whose turn it falls, shall hold their sitting for the hearing and determining of those cases, on which occasion, first the fiscal, and then the respective land-drosts, or their agents, shall deliver over a list of the cases they mean to bring forward, whereupon the commissioners shall regulate the order in which the different cases are successively to be heard, following as nearly as possible the time when the transgression took place, unless that one particular cause might require a more speedy trial than others: in which case the commissioners shall have the authority to give the precedence to such case, provided the reasons for so doing be recorded.

12. The session being once opened, it is to be considered as continued, and as one and the

same session, although all the cases on the list may not be brought forward and decided, on one and the same day, and the parties, and their witnesses, who could not be heard the first day, shall be obliged again to appear on such following day, as shall be made known to them, by or in the name of the commissioners.

13. The fiscal and other officers of justice receiving a complaint, which falls within the tenor of those to be heard and decided by commissioners, is to inform the accused thereof, and he is to take down, as well from him as from the complainant, the names of all the witnesses who can give evidence for or against the charge.

14. When the complaint is of such a nature as to be capable of accommodation between the accuser and the accused, without prejudice to the rights of government, the fiscal or land-drost to whom the charge is preferred, shall use his endeavours for that purpose, previous to its being brought before commissioners: and in all such cases, if the endeavors of the public officer should prove fruitless, a record shall be made thereof to the commissioners.

15. The same obligation shall also rest on the commissioners, in all cases, which from their nature are capable of being so terminated.

16. The fiscal or land-drost to whose com-

petency the cause in question belongs, shall summon the accused, as well as the witnesses both for and against, to appear before the first sessions: which summons shall be served at least three days before, and shall contain the charge against the accused, in order that he may be prepared to make his defence.

17. After that the commissioners shall have prescribed the order in which the different cases are to be successively heard and decided, the public prosecutor shall open the cause in presence of the accused, with a brief narrative of the circumstances, as laid before him: hereupon the complainant is to relate his charge, and state who are his witnesses: those evidences are then to depose severally, and may afterwards be questioned by the accused, should he deem proper: upon which he or she is to bring forward, whatever he or she may deem necessary for his or her defence, together with their witnesses, who after they have given their evidence, may be cross-examined by the complainant. The commissioners, as well as the prosecutor, shall be at liberty to put such question or questions to the complainant, and the witnesses, as they may judge necessary for the elucidation of the case: but they shall not interrogate the accused, without a decree given by the full court for that purpose.

18. In all proceedings which agreeably to the proclamation 17th July, 1797, are carried on before commissioners of the court, the witnesses, before that they give their evidence, shall be sworn in the presence of the accuser and accused respectively, after having been previously informed in what cases, and respecting what persons, they are to be examined, in order to show in what relation such witnesses stand with respect to the parties, or the case itself.

19. The investigation of a case being closed, the public prosecutor is to make such declaration or claim, either with respect to the accuser or to the accused, as he may deem advisable, whereupon the commissioners shall pass such sentence as they may judge proper in equity and justice.

20. The accuser not appearing on the appointed day, he is to be deprived of that instance, and not allowed to prefer his complaint before the next ensuing Session; while, besides, he shall be obliged before his re-admission, to pay the expences of the witnesses and other costs incurred.

21. Should the accused not appear, the first default shall be granted against him, with the penalty attached thereto, and he shall be again summoned to appear, within the shortest possible time, not less however than 24 hours: if he does not appear on the second summons, the second

default to be granted at the request of the prosecutor, with the penalty attached thereto, and the complainant and his witnesses heard in the absence of the accused: while finally, in case the defendant should not appear on the third summons, sentence shall be pronounced against him by contumacy on the charge, and the evidence brought forward.

22. A witness not appearing, default to be granted against him, and for the profit thereof, a second summons, to give evidence at his own expence, on pain of imprisonment; and should he not appear on this second summons, also to be at a short time, but not less than twenty-four hours, the imprisonment shall be adjudicated, and carried into effect according to law.

23. The examination of the case shall however in the mean time be commenced and carried on, and if it can be brought to a sufficient degree of clearness, the commissioners shall have the authority to proceed to final judgment, without hearing the absent witness.

24. When a cause cannot be prosecuted, through the legal absence of the parties, or any of the witnesses, a kind of prolongation, as short however as possible, shall be allowed.

25. In a case, where the investigation has once been begun before commissioners, it shall be continued before the same commissioners,

till that it be terminated, notwithstanding the month in which the trial was commenced may have elapsed.

26. With respect to a re-hearing (Reauditio), before the full court, what has been enacted by the proclamation of the 17th July, 1797, is still to remain in force, with this understanding, however, that no new documents, or evidence, shall be produced in the re-hearing, without especial admission of the court, on grounds acknowledged in law: but the records held by the commissioners, containing every thing, which was brought forward or exhibited before them, shall alone be produced to the full court, and the re-hearing shall be pleaded and terminated by claim, answer, reply and rejoinder.

### *Civil Cases.*

27. In all proceedings, before the full court in civil cases, the 38th article of their instructions shall be specially observed by which it is prescribed, " That all pleadings shall be made " with open doors, unless that the court in par- " ticular or important cases, may direct other- " wise, of which the governor shall be previously " informed."

28. The evidence of all witnesses in civil cases shall be revised and sworn to, in open court, be-

fore commissioners, as also all questions put by the parties by any of the witnesses.

29. All proceedings before commissioners, whether in cases referred to them for amicable accommodation, or for investigation, shall take place with open doors, with the exception alone of cases in which decency or propriety forbids publicity: for example, disputes between man and wife, parents and children, or other family secrets; in which cases it shall be left to the discretion of the commissioners, to have the proceedings carried on with closed doors.

30. In all cases, both criminal and civil, when the parties or witnesses do not understand the Dutch language, the sworn interpreter of the court shall attend for the English; and for persons belonging to any foreign nation, one of the other sworn translators to be specially sworn for the interpretation of their language; and in cases where any document must be signed, the signature of the interpreter shall also be affixed thereto.

30. Finally, it is recommended to the Court of Justice, to direct and conduct all proceedings, which may in future be brought before the full court or commissioners from the same, and which are not particularly specified herein, agreeably to the true intent and meaning of this proclama-

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tion, so that the beneficial object of this measure may be attained in the fullest sense.

Given under my hand and seal, at the  
Cape of Good Hope, this 25th day  
of September, 1813.

*(Signed)* J. F. CRADOCK.

By his Excellency's command,

*(Signed)* H. ALEXANDER, SEC.











